

ADMINISTRATIVE RULES DRAFTING MANUAL



Prepared by the Indiana Legislative Services Agency
Office of Code Revision
Under the Direction of
The Indiana Code Revision Commission

APPROVED AND PUBLISHED BY
THE INDIANA LEGISLATIVE COUNCIL
SEPTEMBER 10, 1997

INDIANA LEGISLATIVE COUNCIL

Senator Robert Garton, Chairman
Representative John Gregg, Vice Chairman

Senator Harold H. Wheeler
Senator Richard Young
Senator Joseph W. Harrison
Senator Patricia Miller
Senator Tom Wyss
Senator James A. Lewis
Senator Earline Rogers

Representative Mark Kruzan
Representative Paul S. Mannweiler
Representative Dale Grubb
Representative Jeffrey Linder
Representative William C. Cochran
Representative Charlie Brown
Representative Richard W. Mangus

Arden R. Chilcote
Executive Director

INDIANA CODE REVISION COMMISSION

Representative Bob Kuzman, Chairman

Senator Sue Landske
Senator Anita Bowser
Senator Lonnie Randolph
Senator Luke Kenley
Representative Robert Behning
Representative Ralph Foley
Representative Jesse Villalpando

Chief Justice Randall T. Shepard
Chief Judge John T. Sharpnack
Attorney General Jeffrey Modisett
Secretary of State Sue Anne Gilroy
Professor William F. Harvey
Mr. Fred Biesecker
Mr. Gene Leeuw

Director of Code Revision
John J. Stieff

Revisor of Rules
Rebecca J. Brown

Indiana Administrative Code and Register Staff:

Managing Editor
Linda Miller

Editorial Assistants
Stephen G. Barnes
Kimbra K. Salt

Data Processing Manager
Becky Walker

This manual is a revision of the Administrative Rules Drafting Manual that was approved by the Legislative Council August 28, 1990.

TABLE OF CONTENTS

INTRODUCTION	6
<i>Indiana Administrative Code</i>	6
<i>Indiana Register</i>	6
Chapter 1. Introduction	6
1-1 Purpose	7
1-2 Previous <i>Administrative Rules Drafting Manual</i>	7
1-3 <i>Form and Style Manual for Legislative Measures</i>	7
1-4 Reference Books	7
Chapter 2. Organization and Codification	7
2-1 IAC Title Assignment	7
2-2 IAC Citation Scheme	7
2-3 Codification System	8
2-4 Division of Sections	8
2-5 Undesignated Section	9
2-6 Use of Numerals	9
2-7 Reserved Numbers	9
2-8 Decimal Numbers	10
2-9 Repealed or Transferred Numbers	10
2-10 Redesignation Within a Section	10
Chapter 3. Techniques	10
3-1 Unit of Change	10
3-2 New Text	10
3-3 Amendment Technique	10
3-4 Reference Lines	10
3-5 Emergency Rules	11
3-6 Extension of Time for Emergency Rules	11
3-7 Noncode Rules	11
3-8 Specific Repeal	11
3-9 Amendment of Proposed Rule	11
3-10 Repeal of Noncode SECTION	11
3-11 Reviving Repealed Rule	12
3-12 Effective Date; Expiration Date	12
3-13 Use of Entire Term	12
3-14 Minimal Change	12
3-15 Capitalization; Punctuation; Indentation	13
3-16 Amending Artwork	13

3-17	Differences Between Proposed and Final Rules	13
Chapter 4.	Rule Adoption	13
4-1	Notice of Intent to Adopt a Rule	13
4-2	Proposed Rule	13
4-3	Notice of Public Hearing	14
4-4	Notice of Additional Public Hearings	14
4-5	Change of Public Hearing	14
4-6	Final Rule	14
4-7	Agency Correction	14
4-8	Recall of Rule	15
4-9	Withdrawal of Rule	15
4-10	Closing for the <i>Indiana Register</i>	15
4-11	Delayed Printing	15
4-12	Joint Rules	15
4-13	Emergency Rules	16
4-14	Publication of Other Documents	17
Chapter 5.	Publishing Procedures	18
5-1	Contents of Rule Document	18
5-2	Pagination	18
5-3	Electronic and Paper Copies	18
5-4	Vertical Spacing	18
5-5	Font (Typeface)	18
5-6	One-Sided Pages	18
5-7	Inserts	19
5-8	IR and IAC Pages	19
5-9	Artwork	19
5-10	Artwork Included in Text	19
Chapter 6.	Components of a Rule Document	19
6-1	Heading	19
6-2	IAC Title Number and Agency Name	20
6-3	LSA Document Number	20
6-4	Digest	20
6-5	Lead-In Lines; Organization into SECTIONS	21
6-6	Reference Lines	22
6-7	Repealers	22
6-8	SECTION Order	22
6-9	Effective Date SECTION	22
6-10	Citation Order	22
6-11	SECTION Numbering	23
6-12	Authority Lines	23

6-13	Citations Affected Line	23
6-14	Multiple Citations	23
6-15	History Lines	23
6-16	Agency Correction; Errata	24
Chapter 7.	General Standards	24
7-1	Citations; Indiana Code	24
7-2	Citations; Noncode Indiana Statutes	25
7-3	Citations; Pre-IAC Rule	25
7-4	Citations in the <i>Indiana Register</i>	25
7-5	Citations to Noncode Indiana Rules	25
7-6	Consecutive Sections	26
7-7	Cross References	25
7-8	Other Effective Dates	26
7-9	United States Code	27
7-10	Code of Federal Regulations	27
7-11	Percentages, Dollars, Integers, and Fractions in Text	27
7-12	Numbers Expressed in Words	28
7-13	Numbers Expressed in Words; Exceptions	28
7-14	Fractions	28
7-15	Percentages	29
7-16	Ordinals	29
7-17	Money	29
7-18	Dates	29
7-19	Time	29
7-20	Temperature	30
7-21	Use of “One”	30
7-22	Tabulation; Designated Blocks of Text	30
7-23	Tabulation; Listing Style	30
7-24	Tabulation; Sentence Style	31
7-25	Listings Without Numbering or Lettering	31
Chapter 8.	Form Recommendations	32
8-1	Introduction	32
8-2	Organization and Order of Rule Document	32
8-3	Definitions in General	32
8-4	Definitions in a New Article	33
8-5	Definitions in a New Rule	33
8-6	Adding Definitions to Existing Articles and Rules	32
8-7	Incorporation by Reference	33
8-8	Severability and Nonseverability	34
Chapter 9.	Style Recommendations	34

9-1	Abbreviations	34
9-2	Acronyms	34
9-3	And; Or; And/Or	34
9-4	Apostrophes	34
9-5	Brackets	35
9-6	Brevity	35
9-7	Capitalization	35
9-8	Colons	37
9-9	Commanding, Authorizing, Forbidding, and Negating	37
9-10	Commas	37
9-11	Consistency	38
9-12	Gender	38
9-13	Hyphens	38
9-14	Limitations, Exceptions, and Conditions	38
9-15	Mood	39
9-16	Number; Singular/Plural	39
9-17	Numbers	39
9-18	Parentheses	40
9-19	Quotation Marks	40
9-20	Semicolons	40
9-21	Sentence Structure	40
9-22	Subject of Sentence	40
9-23	Such; Said	40
9-24	Tense	41
9-25	Voice	41
9-26	Which; That	41
9-27	Word Usage; Preferred Usage and Spelling	42
EXHIBITS	45
EXHIBIT 1		
	Section Designations	45
EXHIBIT 2		
	New Text	
	Amendment Technique	
	Redesignation Within a Section	47
EXHIBIT 3		
	Specific Repeal	48
EXHIBIT 4		
	Repeal of Noncode SECTION	49
EXHIBIT 5		
	Proposed Rule LSA Document Form	50

EXHIBIT 6	
Notice of Public Hearing	
Required Information	52
EXHIBIT 7	
Multiple Public Hearings	53
EXHIBIT 8	
Change of Public Hearing	54
EXHIBIT 9	
Agency Correction	55
EXHIBIT 10	
Recall of Rule	56
EXHIBIT 11	
Withdrawal of Rule	57
EXHIBIT 12	
Emergency Rule	58
EXHIBIT 13	
IR and IAC Pages	
Inserted Changes	61
EXHIBIT 14	
Artwork Included in Text	62
EXHIBIT 15	
LSA Document Number	
Multiple Final Rules	63
EXHIBIT 16	
Digest Components	64
EXHIBIT 17	
Lead-in Line for Addition or Amendment	65
EXHIBIT 18	
Reference Lines	66
EXHIBIT 19	
Effective Date Provision	67
EXHIBIT 20	
History Line Components	68
EXHIBIT 21	
Cross-Reference To Other Rules	69
EXHIBIT 22	
Federal Citations	70
EXHIBIT 23	
Notice of Intent to Adopt a Rule	71
Checklist for Adoption of Administrative Rules	72
INDEX	73

INTRODUCTION

Indiana Administrative Code

The *Indiana Administrative Code* (IAC) is published under the authority of the Indiana Legislative Council. The *Indiana Administrative Code* is a compilation of the text of all permanent Indiana administrative rules. The first official edition of the *Indiana Administrative Code* was published in 1979. The *Indiana Administrative Code* was republished in 1984, 1988, 1992, and 1996. The 1996 Edition consists of a base set of 14 volumes updated with an annual cumulative supplement and the *Indiana Register*. The Administrative Code and Register Division (ACARD) of the Office of Code Revision in the Legislative Services Agency acts as the publishing branch of the Legislative Council for the *Indiana Administrative Code*.

Indiana Register

The *Indiana Register* (IR) is a periodical publication containing the full text of proposed rules, final rules, and other documents such as notices of hearing, notices of intent to adopt rules, nonrule policy statements, executive orders, and attorney general's opinions. The *Indiana Register* has been published monthly since July 1, 1978. Final rules published in the *Indiana Register* are later codified in the *Indiana Administrative Code*. The *Indiana Register* can be considered an "advance sheet" of final rules to be codified in the *Indiana Administrative Code*. Other documents, such as notices, nonrule policy statements, executive orders, and attorney general opinions that are found in the *Indiana Register* are not subsequently published in the *Indiana Administrative Code*. The Administrative Code and Register Division (ACARD) of the Office of Code Revision in the Legislative Services Agency acts as the publishing branch of the Legislative Council for the *Indiana Register*.

Chapter 1. Introduction

1-1 Purpose

This manual was prepared by the Administrative Code and Register Division (ACARD) of the Office of Code Revision in the Legislative Services Agency. The manual was approved by the Code Revision Commission and the Legislative Council on September 10, 1997, to provide guidelines for drafting rules for the *Indiana Register* (IR) and the *Indiana Administrative Code* (IAC). Unless otherwise stated in this manual, the rules of English composition apply. The manual reinforces certain practices that are particularly necessary when drafting administrative rule text.

1-2 Previous *Administrative Rules Drafting Manual*

This manual replaces the August 28, 1990 Edition of the *Administrative Rules Drafting Manual*.

1-3 *Form and Style Manual for Legislative Measures*

The *Administrative Rules Drafting Manual* has similar standards to the standards set forth in the *Form and Style Manual for Legislative Measures* approved by the Indiana Legislative Council October 25, 1995. The *Administrative Rules Drafting Manual* differs from the *Form and Style Manual* in subjects that are unique to administrative rulemaking.

1-4 Reference Books

The following reference books are useful in determining proper spelling, hyphenation, and grammar:

- (1) *American Heritage Dictionary*, Third Edition.
- (2) *Webster's Standard American Style Manual*.
- (3) Reed Dickerson, *Legal Drafting*, West Publishing Company (1981).

Whenever there is a conflict between this manual and a reference book listed above, this manual prevails.

Chapter 2. Organization and Codification

2-1 IAC Title Assignment

The Administrative Code and Register Division (ACARD) of the Office of Code Revision in the Legislative Services Agency assigns an IAC title number to an agency on the earlier of:

- (1) the date the agency drafts its first rule; or
- (2) the effective date or other date specified in an enabling statute that gives the agency authority to adopt a rule by action of the general assembly.

2-2 IAC Citation Scheme

(a) Rules are codified for purposes of identification and citation by a four (4) level numbering system as follows:

- (1) The number preceding IAC in the citation indicates the title. The title number identifies the agency or other body adopting the rule.

EXAMPLE: 410 IAC indicates that the rules of the Indiana state department of health are codified in Title 410 of the *Indiana Administrative Code*.

- (2) The number following IAC in the citation indicates the article. An article codifies a broad category of rules.

EXAMPLE: 410 IAC 1 indicates where to find the rules of the Indiana state department of health on the topic of communicable disease control.

- (3) The penultimate number in the citation occurs after the article level and indicates a rule identifying a specific subject.

EXAMPLE: 410 IAC 1-1 indicates where to find rules of the state department of health concerning the immunization of school children.

- (4) The last number in the citation indicates a specific section of a rule.

EXAMPLE: 410 IAC 1-1-1 indicates the section of the rule concerning the immunization of school children that specifically deals with immunization requirements.

- (b) The following example includes each element in the citation 410 IAC 1-1-1:

410 IAC refers to Title 410

410 IAC 1 refers to Title 410, Article 1

410 IAC 1-4 refers to Title 410, Article 1, Rule 1

410 IAC 1-4-3 refers to Title 410, Article 1, Rule 1, Section 1

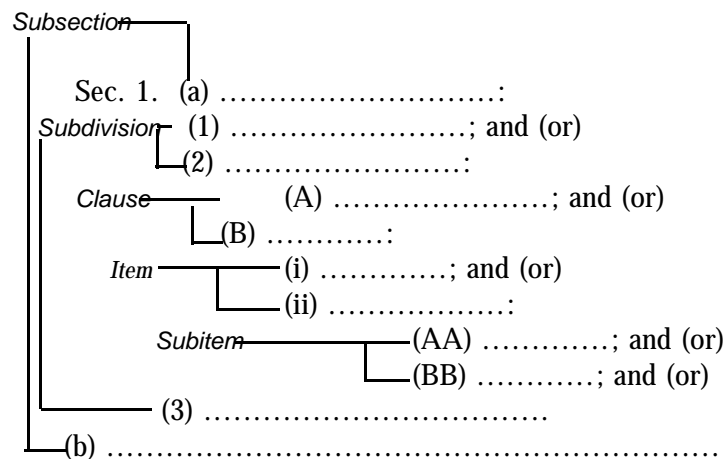
2-3 Codification System

A permanent rule is organized into one major grouping referred to as a title. Each title contains one or more rules. Each rule contains one or more sections.

2-4 Division of Sections

(a) If a section contains more than one paragraph, the section is divided into designated subsections. Similarly, a subsection may be divided into subdivisions, a subdivision into clauses, a clause into items, and an item into subitems.

(b) Below is an illustration of a section that contains subsections (in the left hand margin is a description of the different levels of tabulation shown):



[Note: While the use of clauses, items, and subitems is allowed, this complexity can be avoided by dividing a section into several sections. The format for sections, subsections, subdivisions, clauses, items, and subitems is as follows:

To indent for a section: tab for a paragraph indent.

To indent for a subsection: tab for a paragraph indent. However, for a section with more than one subsection, the designation for subsection (a) immediately follows the numeral designating the section.

To indent for a subdivision: use a single indent.
To indent for a clause: use a double indent.
To indent for an item: use a triple indent.
To indent for a subitem: use a quadruple indent.]

(See Exhibit 1, page 45.)

2-5 Undesignated Section

If a section contains only one major paragraph of text, a subsection designation is not required. However, if the subsection contains a subdivision listing, the listing is designated with numerals. Following is an illustration of a section with one major paragraph and a subdivision listing:

```

Sec. 1. . . . .
      . . . . .:
Subdivision (1) . . . . .;
           (2) . . . . .; and(or)
           (3) . . . . .:
Clause (A) . . . . .; and (or)
      (B) . . . . .

```

[Note: While the use of clauses, items, and subitems is allowed, this complexity can be avoided by dividing a section into several sections. The format for subdivisions, clauses, items, and subitems is as follows:

To indent for a subdivision: use a single indent.
To indent for a clause: use a double indent.
To indent for an item: use a triple indent.
To indent for a subitem: use a quadruple indent.]

2-6 Use of Numerals

- (a) Numerals are consecutively assigned at the article, rule, and section levels beginning with “1”.
- (b) The numeral zero (0) may not be used as an article, rule, or section number.

2-7 Reserved Numbers

- (a) An article, a rule, or a section number may not be reserved by leaving the number unused or by drafting a superfluous statement that nominally uses the number.
- (b) Two or more pending rule documents adding part of a consecutive series to an article, a rule, or a section must be submitted in an order that avoids reservation of a number. If documents are issued with article, rule, or section numbers out of order, the Administrative Code and Register Division (ACARD) reassigns the numbers. Reassignment by ACARD of numbers is based on the dates the documents are submitted for publication. A document submitted first will be assigned the lowest available article, rule, or section number.

2-8 Decimal Numbers

- (a) A decimal number may be used only if:
 - (1) the next higher number has been used in another proposed or final rule; and
 - (2) placement of the rule before another rule at the same article, rule, or section level is more logical than placing the rule at the end of that level.
- (b) A decimal value must be an increment of one-tenth of a numeral, i.e., .1 through .9. Decimal values may not exceed .9.

2-9 Repealed or Transferred Numbers

- (a) If an entire article, rule, or section is repealed, the repealed number may not be reused.
- (b) If text is transferred by the general assembly from the jurisdiction of one agency to another, the former title, article, rule, or section number may not be reused.

2-10 Redesignation Within a Section

- (a) If text is revised in a manner that omits, rearranges, or inserts an element in a series, the series is redesignated by relettering or renumbering.
- (b) If text is revised in a manner that eliminates all but one of the elements in a series, the remaining designation is eliminated and its text is run into the other text. (See Exhibit 2, page 47.)

Chapter 3. Techniques

3-1 Unit of Change

- (a) The text of an IAC section or noncode SECTION may be included in a document only if the text is added or amended.
- (b) When an IAC section or noncode SECTION is amended, the entire IAC section or noncode SECTION is printed in the amending document.

3-2 New Text

New text is printed in boldface type (**boldface**), including the addition of an entirely new section or new text added to an existing section.

EXAMPLE: Sec. 1. The county office of family and social services **and the local health officer** shall **jointly** inspect facilities.

3-3 Amendment Technique

Existing text is deleted by striking (~~striking~~). New text to occupy the same location is inserted after the stricken text in boldface type.

EXAMPLE: Sec. 1. The ~~county office of family and social services and the local health officer~~ shall ~~jointly~~ inspect facilities. **each facility once a month.**

3-4 Reference Lines

- (a) Reference lines include the section heading, section number, authority and affected lines, and history line.

- (b) Changes in reference lines may be deleted or added without showing stricken or bold text.
- (c) With the exception of the history line, reference lines are not a part of a rule.

3-5 Emergency Rules

An agency with emergency rulemaking authority under IC 4-22-2-37.1 may add a noncode SECTION that revises one or more IAC sections without specifically repealing the affected IAC sections.

3-6 Extension of Time for Emergency Rules

If an extension of time is necessary for an emergency rule, as provided in IC 4-22-2-37.1(g), a notice requesting the extension must be published. (See Exhibit 12, page 58.)

3-7 Noncode Rules

A noncode rule is a rule that, due to its temporary nature, is not included in the *Indiana Administrative Code* but is printed in the *Indiana Register*. Generally, a noncode rule includes provisions that:

- (1) contain a specific termination date that is within five (5) years after the date of adoption of the rule; or
- (2) terminate by implication when their purpose is fulfilled or ceases to exist.

3-8 Specific Repeal

- (a) A rule is repealed through the use of a specific repealer.

EXAMPLE: SECTION 1. 310 IAC 13 IS REPEALED.

EXAMPLE: SECTION 1. THE FOLLOWING ARE REPEALED: 470 IAC 5-3-1; 470 IAC 5-3-5; 470 IAC 5-3-6.

- (b) An entire IAC section may not be repealed by amendment. Completely different subject matter may not be added to an IAC section by striking all of the existing text and inserting new subject matter. Instead, the existing IAC section must be specifically repealed and a new section added. (See Exhibit 3, page 48.)

3-9 Amendment of Proposed Rule

- (a) If it is necessary to amend a section that is based on an earlier proposed version that has not yet become final, the later amendment must be drafted to reflect changes proposed in the text of the first version.

- (b) Text proposed to be canceled (stricken) in the first version is deleted in the later amendment. Text proposed to be added in the first version appears in regular typeface (instead of bold) in the later amendment.

3-10 Repeal of Noncode SECTION

A noncode SECTION may be repealed only to:

- (1) terminate the effect of the noncode SECTION before the date it expires; or

(2) codify part or all of the noncode SECTION by adopting it as a permanent rule and terminating the effect of any remaining provisions.

(See Exhibit 4, page 49.)

3-11 Reviving Repealed Rule

A specific repealer SECTION may not be amended or specifically repealed. To reissue text that has been repealed, the text must be added as a new article, chapter, rule, or section.

3-12 Effective Date; Expiration Date

(a) IC 4-22-2-36 provides that a rule that has been accepted for filing by the secretary of state takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date that is thirty (30) days from the date and time that the rule was accepted for filing by the secretary of state.
- (3) The effective date stated by the agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(b) The operation of an effective date or an expiration date may be delayed by amendment only if the amendment takes effect before the effective date or expiration date. Otherwise, an effective date or expiration date may not be amended.

3-13 Use of Entire Term

An entire term, such as a word, citation, number, designation, symbol, sign, mathematical or scientific expression, or piece of artwork, including any punctuation contained within or immediately after the term, must be shown as stricken or bold. If part of a term is revised, the term must be replaced as a unit.

Use

~~student~~ **students**

~~470 IAC 1-5-9~~ **470 IAC 1-5-10**

~~\$5.50~~ **\$5.25**

nine hundred ~~twenty (920)~~ **twenty-five (925)**

*Do **Not** Use*

~~students~~

~~470 IAC 1-5-9~~ **10**

~~\$5.50~~ **25**

~~nine hundred twenty (920)~~ **nine hundred twenty-five (925)**

3-14 Minimal Change

(a) An amendment must contain the least number of stricken terms necessary to complete the revision.

(b) A term that is not revised or relocated by an amendment may be stricken and replaced if the term:

- (1) is part of a phrase or other block of text that is more readable when replaced as a whole;

(2) is part of a table column or other specially formatted line of text where spacing limits the inclusion of both the stricken and new versions of that text; or

(3) is part of artwork.

The phrase, artwork, or other block of text may be stricken as a unit and reinserted as a unit.

3-15 Capitalization; Punctuation; Indentation

Capitalization, punctuation, or indentation in a rule may be revised without striking and reinserting in boldface type.

3-16 Amending Artwork

Artwork may be stricken in a document by covering it with an X.

3-17 Differences Between Proposed and Final Rules

(a) If text is shown as canceled (stricken) in a proposed rule and the text is not canceled (stricken) in the final rule, reset the text as regular typeface.

(b) If new text is inserted in bold in a proposed rule and not adopted for the final rule, delete the bold text.

Chapter 4. Rule Adoption

4-1 Notice of Intent to Adopt a Rule

An agency is required by statute to publish a notice of intent to adopt a rule (IC 4-22-2-23). To publish a notice of intent to adopt a rule the agency must submit one copy of the notice and a disk containing the notice to the (ACARD) before closing. For sample language, see Exhibit 23, page 71.

4-2 Proposed Rule

An agency must submit the following to the Administrative Code and Register Division (ACARD) before closing:

(1) Two copies of a proposed rule.

(2) An electronic copy of the proposed rule on a disk formatted in WordPerfect DOS 5.1 or WordPerfect for Windows 5.1 or 6.1. If an agency is unable to submit to ACARD a formatted disk, the agency must submit an original printing of the document that is capable of being scanned with a satisfactory result.

(3) One completed copy of the Legislative Services Agency (LSA) Document Form. (See Exhibit 5, page 50.)

(4) One copy of the full text of any matter incorporated by reference. Matter incorporated by reference is not published and will be returned to the issuing agency after the public hearing on the proposed rule.

4-3 Notice of Public Hearing

A notice of public hearing (See Exhibit 6, page 52.) must be submitted to the Administrative Code and Register Division (ACARD), along with a proposed rule document. The notice must contain the following information:

- (1) A statement of the date and time when, and the place where, the agency will convene the public hearing.
- (2) Reference to the subject matter of the proposed rule to be considered at the public hearing.
- (3) A declaration that a copy of the proposed rule to be considered at the public hearing is on file and may be examined in the office of the agency proposing the rule.

4-4 Notice of Additional Public Hearings

An agency may not convene more than one public hearing on a proposed rule unless the agency publishes notice of the additional hearings by submitting to the Administrative Code and Register Division (ACARD) a notice stating the date, time, and place of each additional public hearing. (See Exhibit 7, page 53.)

4-5 Change of Public Hearing

To change notice of a public hearing, an agency must submit to the Administrative Code and Register Division (ACARD) the required information for the new hearing. Only the changed public hearing notice will be published in the *Indiana Register*. (See Exhibit 8, page 54.)

4-6 Final Rule

(a) A final rule document must contain text as adopted by the agency. Any changes made after the publication of the proposed rule document that is the basis for the final rule must be integrated into the final rule document.

(b) To publish a final rule, an agency must submit to the Administrative Code and Register Division (ACARD) before closing an original paper copy of the final rule document and an electronic copy of the final rule document on a disk formatted in WordPerfect DOS 5.1 or WordPerfect for Windows 5.1 or 6.1. If an agency is unable to submit to ACARD a formatted disk, the agency must submit an original paper copy of the document that is capable of being optically scanned with a satisfactory result.

4-7 Agency Correction

(a) To correct text of a final rule document under IC 4-22-2-38, an agency must submit an original and three copies of the document for signature to the Administrative Code and Register Division (ACARD). (See Exhibit 9, page 55.)

(b) The correction notice is published in the *Indiana Register* after it is filed with the Secretary of State.

4-8 Recall of Rule

To recall a rule document an agency must submit either of the following to the Administrative Code and Register Division (ACARD) before closing:

(1) One copy of a notice that fully describes the LSA document that is being recalled under IC 4-22-2-40.

(2) One completed copy of the LSA Document Form.

(See Exhibit 10, page 56.)

4-9 Withdrawal of Rule

To withdraw a rule document, an agency must submit either of the following to the Administrative Code and Register Division (ACARD) before closing:

(1) One copy of a notice that fully describes the LSA Document that is being withdrawn under IC 4-22-2-41.

(2) One completed copy of the LSA Document Form.

(See Exhibit 11, page 57.)

4-10 Closing for the *Indiana Register*

(a) The closing for the *Indiana Register* is 4:45 p.m. on the tenth day of a month. However, if the tenth day of a month is a Saturday, Sunday, or holiday, closing is 4:45 p.m. on the closest regular business day to the tenth day. For example, if the tenth day of a month falls on a Saturday, closing is 4:45 p.m. on the Friday before the Saturday, if the tenth day of a month falls on a Sunday, closing is 4:45 p.m. on the Monday immediately following the Sunday, and if the tenth day of a month falls on a holiday, closing is the next regular business day after the holiday.

(b) A document submitted to the Administrative Code and Register Division (ACARD) before closing is printed in the *Indiana Register* on the first day of the month following the closing.

(c) The publishing schedule is printed on the inside cover of every *Indiana Register*.

4-11 Delayed Printing

(a) The Legislative Services Agency on behalf of the publisher may delay the printing of any rule document if the Legislative Services Agency believes that the *Indiana Register* may not be printed in a timely manner:

(1) without incurring excessive and unusual labor or contractual charges; or

(2) because an agency fails to submit clear or sufficient information.

(b) If the Legislative Services Agency on behalf of the publisher delays the printing of a proposed rule, the agency submitting the proposed rule must reissue the notices and reschedule the public hearing on the proposed rule.

4-12 Joint Rules

If two or more agencies issue joint rules, each agency must propose its rules in a separate document and initiate separate rule proceedings.

4-13 Emergency Rules

(a) Certain agencies may adopt emergency rules under IC 4-22-2-37.1. An emergency rule adopted under the emergency rulemaking statute is exempt from certain requirements for public notice of rulemaking. In most cases, an emergency rule is a temporary rule. (See Exhibit 12, page 58.)

(b) The following format should be used in drafting emergency rule documents:

(1) Include title heading, LSA Document, and digest with text. The final sentence in the digest is the effective date provision, for example, Effective July 1, 1997.

(2) Arrange the text of the document into SECTIONS. The components of a SECTION are the same as for an IAC section [See Chapter 3 of this manual].

(3) Make internal references applicable to the emergency document. For example, refer to "this document" not "this article" or "this SECTION" not "this rule".

(4) Submit one original and four copies of the emergency rule document to the Administrative Code and Register Division (ACARD) for assignment of a document number.

(5) Submit one original and four copies of the emergency rule document to the Secretary of State's office for filing. Three copies of any matter incorporated by reference, if applicable, including a notice briefly describing the incorporated matters.

(6) Under IC 4-22-2-37.1(f) the effective date of an emergency rule is the latest of the following:

(A) The effective date of the statute delegating authority to the agency to adopt the rule.

(B) The date and time that the rule is accepted for filing under IC 4-22-2-37.1(a).

(C) The effective date stated by the adopting agency in the document.

(D) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the document.

(c) Except for emergency rules adopted under IC 14-10-2-5, IC 14-22-2-6, and IC 22-8-1.1-16.1, an emergency rule expires ninety days after filing with the secretary of state.

(d) An emergency rule may be extended if the agency adopts another emergency rule under IC 4-22-2-37.1. An agency may extend using the method only one time. The digest of the new emergency rule document must refer to the original emergency rule document. The new document has a new effective date and expiration date. Follow the format set forth in subsection (b).

(e) For an emergency rule adopted under IC 4-22-2-37.1 to be effective after one extension period, the rule must be adopted under IC 4-22-2-24 through IC 4-22-2-36 (regular rulemaking process). However, exceptions include the following:

(1) DNR - under IC 14-2-3-3, not to exceed one year.

(2) OSHA - under IC 22-8-1.1-16.1 effective only until a permanent standard is adopted or for six months from the date of publication, whichever period is shorter.

(3) Department of Financial Institutions, State Lottery Commission, and Indiana Horse Racing Commission - the earlier of the expiration date stated by the agency or the date that the rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.

(f) Typographical, clerical, or spelling errors may be corrected in an emergency rule. (See Manual, 4-7.)

4-14 Publication of Other Documents

(a) IC 4-22-7-7 requires an agency to publish a statement of the agency in the Indiana Register that:

- (1) interprets, supplements, or implements a statute or rule that:
 - (A) has not been adopted in compliance with IC 4-22-2;
 - (B) is not intended by its issuing agency to have the effect of law; and
 - (C) may be used in conducting the agency's external affairs; or
- (2) specifies a policy that an agency relies upon to:
 - (A) enforce a statute or rule;
 - (B) conduct an audit or investigation to determine compliance with a statute or rule;or
 - (C) impose a sanction for violation of a statute or rule.

This requirement includes publication of information bulletins, revenue rulings, and other guidelines of an agency.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute two (2) duplicate copies of the statement to the Administrative Code and Register Division (ACARD) for publication and indexing in the Indiana Register and the copies required by IC 4-23-7.1-26 to the Indiana library and historical department. However, if a statement described in subsection (a) is in the form of a manual, book, pamphlet, or reference publication, ACARD is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) is also required to maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency must update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

- (1) Title.
- (2) Identification number.
- (3) Date originally adopted.
- (4) Date of last revision.
- (5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.
- (6) Brief description of the subject matter of the statement.

At least quarterly, every agency that maintains a list described in this subsection must distribute two copies of the list to ACARD.

(d) To publish a document described above an agency must submit the following to the Administrative Code and Register Division (ACARD) before closing:

- (1) Two paper original copies of the document.
- (2) An electronic copy on disk formatted in WordPerfect DOS 5.1 or WordPerfect for Windows 5.1 or 6.1. If an agency is unable to comply with this requirement the agency must submit an original paper copy of the proposed rule that is capable of being optically scanned with good results.
- (3) One completed copy of the Legislative Services Agency (LSA) Document Form. (See Exhibit 5, page 50.)
- (4) One copy of the full text of any matter incorporated by reference, unless only the title of the matter is published in accordance with IC 4-22-7-7(b). Matter incorporated by

reference is not published and will be returned to the issuing agency after the public hearing on the proposed rule.

Chapter 5. Publishing Procedures

5-1 Contents of Rule Document

A rule document submitted for publication must contain the following information:

- (1) The title number and the name of the agency.
- (2) If the document submitted is a proposed rule or final rule, the LSA document number. (The Administrative Code and Register Division (ACARD) will assign the document number to the rule document at the “Notice of Intent to Adopt a Rule” stage.)
- (3) Digest.
- (4) IAC list of citations affected.
- (5) Rule text.

5-2 Pagination

Each page of a document, including a signature page, must be consecutively numbered. Page numbers must appear in the same place on each page of the document. Page numbers may be handwritten.

5-3 Electronic and Paper Copies

A document submitted for publication must be prepared on 20 lb. white or near white paper. Each page must measure eight and one-half (8½) by eleven (11) inches. A disk formatted for WordPerfect DOS 5.1 or WordPerfect for Windows 5.1 or 6.1 must accompany the paper copy. If an agency is unable to submit a formatted disk the agency must submit an original printing of the document that is capable of being optically scanned with a satisfactory result.

5-4 Vertical Spacing

Double spacing between the lines within a paragraph or other blocks of text is preferred. However, a document may be single spaced.

5-5 Font (Typeface)

- (a) A document must be neatly and legibly typed or printed in 12 point courier font.
- (b) Italics and brackets are reserved for the use of the publisher.
- (c) The Times New Roman font or the CG Century Schoolbook font in 12 point size is preferred. Gothic, script, or German fonts may not be used.

5-6 One-Sided Pages

Text may not be placed on the reverse side of a page.

5-7 Inserts

- (a) Do not attach inserts and alterations to a page.
- (b) Do not use an arrow, carat, an instruction, or another form of interlineation to integrate text into a line from a different line, page, or writing.

5-8 IR and IAC Pages

(a) An agency may obtain from the Administrative Code and Register Division (ACARD) a disk containing the agency's title of the *Indiana Administrative Code* to provide an electronic version of sections to be amended by the agency. If sections of proposed rules published in the *Indiana Register* are to be amended, the agency may request a copy of the electronic version from ACARD. The agency may then make changes to the electronic version of the text using stricken text and bold codes. The agency may then submit the electronic amendments to ACARD.

(b) An agency may:

- (1) substitute a hard copy of part or all of a legible, unbound *Indiana Register* or *Indiana Administrative Code* page for typed or printed text; and
- (2) include both typed and copied text on a page.

(c) If part of the text on a copied page must be rewritten, an agency may cover the affected text with an opaque substance and insert the change neatly. (See Exhibit 13, page 61.)

5-9 Artwork

(a) Artwork is a black and white illustration or other nonconforming text that is printed by the publisher from camera ready copy.

(b) If a character is not available on a standard keyboard or as an ASCII character, substitute a neatly prepared handwritten character.

(c) Artwork must fit within not more than two columns on a single page of the *Indiana Register*. Artwork may not require more than a forty percent (40%) reduction in size to fit.

5-10 Artwork Included in Text

Artwork, tables, examples, or mathematical or scientific expressions must be designated entirely within an IAC section or noncode SECTION. (See Exhibit 14, page 62.)

Chapter 6. Components of a Rule Document

6-1 Heading

Each rule document must have a heading consisting of the following:

- (1) IAC title number and agency name.
- (2) LSA document number with the following qualifications:
 - (A) The Notice of Intent to Adopt a Rule document is assigned a document number by the Administrative Code and Register Division (ACARD) when it is filed with (ACARD).
 - (B) The final rule document number will appear with an "(F)", for example, LSA Document #97-14(F).

6-2 IAC Title Number and Agency Name

(a) The IAC title number and agency name consists of the following:

- (1) IAC title number in the general form, "TITLE ____."
- (2) Official name of the agency that is given by the general assembly.

EXAMPLE: TITLE 240 STATE POLICE DEPARTMENT

(b) The preliminary pages of the *Indiana Register* list all assigned IAC title numbers and agency names.

6-3 LSA Document Number

(a) The Administrative Code and Register Division (ACARD) assigns an LSA document number to each notice of intent to adopt a rule document and emergency rule at the time the documents are submitted to ACARD.

(b) An LSA document number is followed by a letter suffix indicating the type of action as follows:

- (1) Final rule (F).
- (2) Emergency rule (E).
- (3) Agency correction (AC).
- (4) Publisher's correction (PC).

(c) The LSA document number must be included in any subsequent action on the proposed rule, including the following:

- (1) The proposed rule document.
- (2) Change in Notice of Public Hearing.
- (3) Recall of the rule document.
- (4) Withdrawal of the rule document.
- (5) The final rule document.
- (6) An agency correction related to a final rule document.
- (7) An emergency rule.

(d) If it is necessary for an agency to adopt sections in a rule document at different times, a numeral must be inserted after the letter suffix to indicate the order in which the agency has issued each document. For example, the initial final adoption of the partial rule document is shown as LSA Document #97-209(F) and a later adopted part of the rule document is shown as LSA Document #97-209(F)(2). (See Exhibit 15, page 63.)

6-4 Digest

(a) Each document, including an agency correction or emergency rule, must have a digest consisting of the following:

- (1) A narrative paragraph.
- (2) A listing of IAC citations affected by the document.

(See Exhibit 16, page 64.)

(b) A narrative paragraph describes each major addition, amendment, or repeal in a document. The narrative paragraph describes the effect of the addition of or amendment to a rule. Each

sentence must begin with “adds”, “amends”, “repeals”, or “corrects” and end with a brief description of the change made or the subject matter affected. Sentences in the narrative paragraph are organized in the following order:

- (1) A description of codified additions, codified amendments, or corrections to codified additions or amendments.
 - (2) A description of noncode additions, noncode amendments, or corrections to noncode additions or amendments.
 - (3) A description of repealers or corrections to repealers.
 - (4) A description of material incorporated by reference.
 - (5) The effective date or dates. (See Manual 3-12.)
- (b) Citations to be amended or added must be arranged in consecutive order.
- (c) Incidental, numerous, and scattered nonsubstantive style changes may be summarized by using the general form “Makes numerous technical changes.”.
- (d) Incidental, numerous, and scattered substantive changes may be summarized in a sentence in the general form “Makes other numerous changes in the rules concerning ____.”.
- (e) If the SECTIONS of a document take effect on different dates, the effective date portion of the digest must be prepared using the general form “Partially effective ____ and partially effective ____.”
- (f) The effective date portion of the digest is followed by a tabular listing of each IAC section that is added, amended, or repealed. However, if an entire IAC rule, IAC article, or IAC title is added, the entire rule, article, or title is cited. Citations are arranged in consecutive order.

6-5 Lead-In Lines; Organization into SECTIONS

(a) A proposed or final rule document is organized in SECTIONS. Each IAC section or noncode SECTION that is added or amended is arranged in consecutive order as a separate SECTION of the document.

(b) If a new IAC title, article, or rule is being added, the entire title, article, or rule is arranged in one SECTION. To add a new IAC title, article, rule, or section, use the following examples:

(1) To add a new title use the following lead-in line:

SECTION 1. 70 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 70. _____

ARTICLE 1. _____

Rule 1. _____

(2) To add a new article use the following lead-in line:

SECTION 1. 70 IAC 2 IS ADDED TO READ AS FOLLOWS:

ARTICLE 2. _____

Rule 1. _____

(3) To add a new rule use the following lead-in line:

SECTION 1. 70 IAC 2-1 IS ADDED TO READ AS FOLLOWS:

Rule 1. _____

(4) To add a new section use the following lead-in line:
SECTION 1. 70 IAC 2-1-5 IS ADDED TO READ AS FOLLOWS:
70 IAC 2-1-5 _____
(See Exhibit 17, page 65.)

6-6 Reference Lines

(a) Each IAC section that is added or amended by a document contains the following reference lines:

- (1) A section heading.
- (2) An authority line.
- (3) An affected line.
- (4) An IAC section number.
- (5) A history line.

(See Exhibit 18, page 66.)

(b) A SECTION that:

- (1) repeals codified text; or
- (2) adds or amends noncode text;

is not annotated with reference lines.

6-7 Repealers

(a) A SECTION may repeal any of the following:

- (1) A section.
- (2) A rule.
- (3) An article.
- (4) A title.
- (5) A noncode SECTION.

(b) SECTIONS containing repealers are placed after codified provisions and before noncode provisions. All repealers that take effect on the same date are arranged in consecutive order in a single SECTION.

6-8 SECTION Order

The SECTIONS in a document are arranged in the following order:

- (1) SECTIONS containing added or amended codified sections arranged in order of consecutive IAC citation.
- (2) SECTIONS containing repealers.
- (3) SECTIONS containing noncode provisions.

6-9 Effective Date SECTION

All of the effective date provisions in a rule document are arranged in a single SECTION at the end of the rule document. Each effective date is listed once. (See Exhibit 19, page 67.)

6-10 Citation Order

SECTIONS that add or amend IAC sections are arranged in consecutive IAC citation order.

6-11 SECTION Numbering

(a) The SECTIONS in a document are arranged in consecutive order, beginning with "SECTION 1".

(b) If a SECTION:

(1) appears in a proposed rule and is either rearranged or omitted in a final rule; or

(2) does not appear in a proposed rule and is inserted into a final rule;

the SECTIONS in the final rule must be renumbered in consecutive order, beginning with "SECTION 1".

6-12 Authority Lines

(a) The authority line must give the citation of each Indiana statute (enabling statute) that expressly delegates rulemaking power to the agency to issue a rule on the subject matter of the accompanying rule. If an agency has multiple sources of rulemaking power, the citation for each source must be included.

(b) If the general assembly has not expressly delegated authority to issue a rule, the authority line must give the citation of each statute that grants rulemaking power to the agency by implication.

6-13 Citations Affected Line

(a) The citations affected line must give the citation of each Indiana statute that:

(1) is cited in the rule text;

(2) directly relates to the subject matter; or

(3) is a savings clause or other provision that affects the validity;

of the accompanying rule. Citations affected may be within the enabling statute of the agency issuing the rule or in another statute.

(b) An authority citation may not be repeated in the citations affected line and a citation affected that is included in the citations affected line may not be repeated in the authority line. However, if the only citations affected are also authority citations, the same citations may be cited in both the authority line and the citations affected line.

6-14 Multiple Citations

An authority or citations affected line must give the citation for each Indiana Code section and noncode SECTION. However, if:

(1) more than two sections in an Indiana Code chapter are included, the citation for the chapter is used; or

(2) more than two chapters in an Indiana Code article are included, the citation for the article is used.

6-15 History Lines

(a) Each section of the *Indiana Administrative Code* has an italicized history line that follows the last line of text of an IAC section and is part of the section. When an agency submits a rule document to the Administrative Code and Register Division (ACARD), the rule document must include a history line for each section amended or added.

(b) The components of the history line are as follows:

- (1) The official name of the agency.
- (2) The citation assigned to the text on the date the agency originally added the text. This citation may be the IAC citation, or the unofficial agency citation, if the agency adopted the text before the Code was published.
- (3) Chronologically arranged references to the filing date and time, to the publication citation of each document that added, amended, or corrected the substance of the IAC section, and to the effective date, if the effective date is later than 30 days after filing.

(See Exhibit 20, page 68.)

(c) If the last line of text of a section is part of special text such as:

- (1) a vertical list;
- (2) a mathematical or scientific expression;
- (3) an exhibit;
- (4) a footnote;
- (5) an illustration; or
- (6) a table;

the history line begins at the left margin of the first line following the special text.

6-16 Agency Correction; Errata

(a) An agency correction or publisher's correction is published as "errata."

(b) Only one document may be corrected in each agency correction.

(c) The components of the text of an agency correction are as follows:

- (1) Lead-in line.
- (2) One or more correction statements.

(d) A correction is introduced with a lead-in line.

(e) If a document that is corrected has been published in the *Indiana Register*, the published version must be corrected.

(f) If a document that is corrected has:

- (1) not been published in the *Indiana Register*; and
- (2) has been filed with the secretary of state;

the filed version must be corrected. A cross reference to the unpublished version is cited "as filed with the secretary of state on ____ at ____."

Chapter 7. General Standards

7-1 Citations; Indiana Code

The *Indiana Code* numbering system, like the *Indiana Administrative Code* numbering system, uses numerals separated by hyphens.

EXAMPLE:

IC 4 refers to Title 4

IC 4-3 refers to Title 4, Article 3

IC 4-3-2 refers to Title 4, Article 3, Chapter 2

IC 4-3-2-1 refers to Title 4, Article 3, Chapter 2, Section 1

The letters "IC" must always precede a citation to the *Indiana Code*.

7-2 Citations; Noncode Indiana Statutes

(a) Cite to a noncode Indiana statute by citing to the public law number for the act. Beginning with acts enacted during with the 1982 Special Session, the proper form is as follows:

EXAMPLE: P.L.106-1996, SECTION 10

(b) To indicate a special session of the Indiana general assembly, use the designation “(ss)” after the year.

EXAMPLE: P.L.3-1996(ss), SECTION 5

7-3 Citations; Pre-IAC Rule

If a rule was originally published as a final rule on or before May 8, 1978, in the Amendments and Additions to Rules and Regulations published by the Secretary of State, cite to the year and the printed page where the subject matter of the rule begins.

EXAMPLE: Rules and Regs.1970, p.100

7-4 Citations in the *Indiana Register*

To cite to the *Indiana Register*, use a citation form containing the designation “IR” following the volume number of the publication. The page number of the publication follows the IR designation.

EXAMPLE: 19 IR 895 refers to Volume 19, Page 895.

7-5 Citations to Noncode Indiana Rules

(a) Give the citation for a noncode rule by citing to the following:

(1) The LSA document number for the rule.

(2) The SECTION number for the rule.

(3) Any of the following:

(A) The *Indiana Register* volume number, page number, and year of publication for the first page where the cited matter is printed.

EXAMPLE: LSA document #96-40(E), SECTION 1, 19 IR 12(1996)

(B) If the document was not published in the *Indiana Register* but was filed with the secretary of state, the filing date and time when the document containing the noncode provision is filed with the secretary of state.

EXAMPLE: LSA document #96-40(E), SECTION 1, as filed with the secretary of state November 20, 1996, 9:47 a.m.

(C) If the document was not filed with the secretary of state, the date that the document containing the noncode provision is adopted.

EXAMPLE: LSA document #96-40(E), SECTION 1, as adopted September 28, 1996

(b) If a noncode rule has been amended, cite to the original rule and the amendment.

7-6 Consecutive Sections

To give the citation for two or more:

- (1) consecutive IC sections that include less than an entire IC title, IC article, or IC chapter;
or
- (2) consecutive IAC sections that include less than an entire IAC title, IAC article, or IAC rule;

separate a citation to the first and the last provision in the series with “through.”

EXAMPLE: IC 4-22-2-14 through IC 4-22-2-44
310 IAC 6-1-3 through 310 IAC 6-1-13

7-7 Cross References

(a) If one IAC provision makes reference to another IAC provision, the IAC citation scheme specified in Chapter 1 is used, except as follows:

- (1) To cite to the title in which the reference occurs use “this title”.
- (2) To cite to the article in which the reference occurs use “this article”.
- (3) To cite to the rule in which the reference occurs use “this rule”.
- (4) To cite to the section in which the reference occurs use “this section”.
- (5) To cite to the subsection, subdivision, clause, item, or subitem in which the reference occurs use “this subsection”, “this subdivision,” “this clause,” “this item,” or “this subitem”.
- (6) To cite to another section or sections in the same rule use, for example, “section 5 of this rule” or “sections 9 through 11 of this rule”.
- (7) To cite to a subsection in the same rule but not in the same section use, for example, “section 5(b) of this rule”.
- (8) To cite to a specific subsection in the same section use, for example, “subsection (a)”.
- (9) To cite to a specific subdivision in the same subsection use, for example, “subdivision (1)”.
- (10) To cite to a specific clause in the same subdivision use, for example, “clause (A)”.
- (11) To cite to a specific item in the same clause use, for example, “item (ii)”.
- (12) To cite to a specific subitem in the same item use, for example, “subitem (AA)”.

(See Exhibit 21, page 69 for additional examples of cross-references.)

(b) Unless the context requires reference to a specific subsection or subdivision, refer to the section as a whole. References to subparts below the subdivision level should be avoided.

7-8 Other Effective Dates

If rule text is added or amended that will take effect on a date later than the effective date for the SECTION adding or amending the text, the agency may insert the effective date into the text.

EXAMPLE: (a) Beginning January 1, 2001, an applicant must submit an application on a form prescribed by the state department of health.

(b) After June 30, 1997, an applicant must complete twelve (12) hours of continuing education each year the applicant remains licensed.

7-9 United States Code

- (a) To cite to a federal statute, use the United States Code reference.

EXAMPLE: 16 U.S.C. 201 refers to Title 16, Section 201 of the United States Code

- (b) Convert federal Public Law numbers and references to the Statutes at Large to U.S.C. references. If there is no U.S.C. citation, use the Public Law designation with the designation from the Statutes at Large.

EXAMPLE: P.L.85-864 (64 Stat. 514)

- (c) Cite to the edition in which a federal statute is printed.

- (d) Additional federal reference examples are included in Exhibit 22, page 70.

7-10 Code of Federal Regulations

- (a) To cite to a federal regulation, use the Code of Federal Regulations reference.

EXAMPLE: 24 CFR 201 refers to Title 24, Section 201 of the Code of Federal Regulations

40 CFR 51, Subpart T

40 CFR 61*, [to illustrate a footnote]

- (b) Cite to the edition in which a federal rule is printed. If there is no CFR citation, use the Federal Register designation.

EXAMPLE: 58 FR 27196, July 1, 1994

58 FR 528 through 58 FR 535, July 3, 1994

- (c) Additional federal reference examples are as follows:

(1) 45 U.S.C. 1251 as effective [insert date of U.S.C. effectiveness].

(2) 16 U.S.C. 202, in effect on [insert date of Indiana rule adoption].

(3) 42 U.S.C.A. §604.

(4) Section 7704 of the Internal Revenue Code.

(5) U.S. Department of the Treasury.

(6) United States district court.

7-11 Percentages, Dollars, Integers, and Fractions in Text

- (a) Integers, dollar amounts, percentages, and fractions are expressed in words followed by figures in parentheses.

- (b) Use the word “and” between the part of a written number that represents a whole number and the part of a written number that represents the decimal or fractional number.

EXAMPLE: eleven and six-tenths (11.6) milliliters

- (c) A comma is used to separate hundreds and thousands in a numeral.

7-12 Numbers Expressed in Words

Numbers used in text are expressed in words followed by figures in parentheses.

EXAMPLES: twenty-four (24)
one hundred ten (110)
eight hundred ninety-eight (898)
one thousand six hundred fifty (1,650)
eighty-four thousand (84,000)

7-13 Numbers Expressed in Words; Exceptions

Numbers are expressed in figures for ratios, grade point averages, pH values, or if length would prohibit expressing them in both words and figures, primarily in tables.

EXAMPLES: 1':7"
3.5 grade point average
1.5 pH
12-point type
County government share \$15

7-14 Fractions

(a) Percentages are preferred to fractions whenever practicable.

EXAMPLES: fifty percent (50%) NOT one-half ($\frac{1}{2}$)
seventy-five percent (75%) NOT three-fourths ($\frac{3}{4}$)

(b) Compound fractions should be expressed as follows:

EXAMPLES: three and one-half ($3\frac{1}{2}$)
four and three-eighths ($4\frac{3}{8}$)

(c) Connect the numerator and denominator with a hyphen. If either the numerator or denominator is hyphenated, a hyphen is not used between them.

EXAMPLES: one-hundredth (0.01)
five-hundredths (0.05)
twenty-hundredths (0.20)
twenty-six hundredths (0.26)
one-thousandth (0.001)
one hundred fifty ten-thousandths (0.0150)
fourteen-hundredths (0.14)
seventy-two hundredths (0.72)
five and forty-hundredths (5.40)
one-half ($\frac{1}{2}$)
two-thirds ($\frac{2}{3}$)
three sixty-fourths ($\frac{3}{64}$)
one twenty-fifth ($\frac{1}{25}$)

7-15 Percentages

Decimals are preferred whenever practicable.

EXAMPLES: one-tenth of one percent (0.1%)
sixty-two and one-half percent (62.5%)

7-16 Ordinals

Express ordinals in words only.

EXAMPLES: first NOT 1st
twenty-second NOT 22nd

7-17 Money

(a) Monetary amounts should be expressed as written words followed by a dollar sign with figures in parentheses. Dollar amounts that are whole do not have decimal points and zeroes.

EXAMPLES: one dollar (\$1)
ninety-seven dollars (\$97)
two hundred dollars (\$200)
three thousand five hundred dollars (\$3,500)

(b) When using dollars and cents, use the word “and” and a decimal point to separate dollars from cents.

EXAMPLES: eighty-five cents (\$0.85)
five hundred twenty-five dollars and fifty cents (\$525.50)
six hundred seventy-five thousand nine hundred eighty-two dollars and eleven cents (\$675,982.11)

7-18 Dates

When a date includes the month, day, and year, the year is set off by a comma. When the date includes only the month and year, a comma is not used.

EXAMPLES: June 30
June 1984
October 30, 1978
April, May, and June 1985

7-19 Time

(a) Time is expressed in figures.

(b) Avoid using terms such as “local time” and “prevailing local time”, and avoid referring to time zones, because IC 1-1-8.1 and federal law define official time.

(c) It is not necessary to use “midnight” as the expiration time for a term or license since these will automatically expire at midnight unless some other time is specified.

EXAMPLES: 6 a.m.
4:30 p.m.
midnight NOT 12:00 midnight
noon NOT 12:00 noon

7-20 Temperature

Do not use the degree symbol. Identify Fahrenheit or Celsius measures by spelling these terms out.

EXAMPLES: one hundred sixty (160) degrees Fahrenheit
ninety (90) degrees Celsius

7-21 Use of “One”

When “one” is used as a pronoun, it is not followed by a numeral in parentheses.

EXAMPLE: The chairperson was the only one to attend the meeting.

However, when “one” is used as a number, it is followed by a numeral in parentheses.

EXAMPLE: The precinct shall nominate one (1) delegate.

7-22 Tabulation; Designated Blocks of Text

(a) There are two basic types of tabulation: listing and sentence.

(b) No matter which type is used, the introductory language preceding the tabulated material must apply to all of the elements in the tabulation because those elements are a part of the whole thought.

(c) Often it is possible to use either style of tabulation. In such an instance a listing is preferred, because if it is later necessary to add an element, it is not necessary to change punctuation and strike and add a conjunction.

(d) Avoid beginning a new sentence after a tabulation. If the sentence is not a part of the tabulated series, it is better practice to draft it as a separate subsection or section.

7-23 Tabulation; Listing Style

(a) The first style of tabulation is known as a listing. As the name implies, each element is listed after the introductory clause and begins with a capital letter and ends with a period. When a listing is used, the introductory language must include the words “as follows” or “the following.”

(b) The following examples illustrate the difference between a long sentence and clarity provided when the sentence is tabulated:

EXAMPLE: The application must include the applicant’s name, the name of the sponsoring agency, and the name of the city in which the event is to take place.

Is clearer if written as follows:

The application must include the following information:

- (1) The applicant’s name.
- (2) The name of the sponsoring agency.
- (3) The name of the city in which the event is to take place.

EXAMPLE: An employer may provide group insurance programs for its employees by purchasing policies of group insurance or by establishing self-insurance programs, or by doing both.

Is clearer if written as follows:

An employer may provide group insurance programs for its employees through one (1) or both of the following methods:

- (1) Purchasing policies of group insurance.
- (2) Establishing self-insurance programs.

Each listed element may have subelements, but each element must still end with a period.

7-24 Tabulation; Sentence Style

(a) The second style of tabulation is known as sentence style. This style is best envisioned by thinking of a sentence with a series of elements in which:

- (1) each element is given a line of its own;
- (2) each element has some type of designation before it; and
- (3) the commas are replaced with semicolons.

EXAMPLE: To be entitled to vote, a person must be a resident of Indiana, at least eighteen (18) years of age, and registered with the county election board.

When this sentence is tabulated, the reader can more quickly identify the three qualifying elements as follows:

To be entitled to vote, a person must be:

- (1) a resident of Indiana;
- (2) at least eighteen (18) years of age; and
- (3) registered with the county election board.

Note that the conjunction always follows the next to last element in the tabulation and that the only permissible conjunctions are “and” and “or.” The conjunction, however, applies to each element in the tabulation and not just to the last two elements.

(b) This style of tabulation may be expanded with each of the elements having subelements.

7-25 Listings Without Numbering or Lettering

The numbering or lettering of a listing of elements when using listing style is not required when:

- (1) the elements may be listed in order (such as alphabetical order, numerical order, or IAC citation order);
- (2) it is likely that the listing will be frequently modified; and
- (3) there is no need to cite to a particular element within the listing.

EXAMPLE: Sec. 2. The following drugs are controlled substances:
Acetylmethadol
Allylprodine
Alphacetylmethadol.

Chapter 8. Form Recommendations

8-1 Introduction

(a) The essentials of good rule drafting are accuracy, brevity, clarity, and simplicity. The purpose and effect of a rule should be evident from its language.

(b) Choose words that are plain and commonly understood.

8-2 Organization and Order of Rule Document

The following is suggested as the order of provisions in a document that adds a new article or rule:

- (1) Applicability (including scope, exceptions, and exclusions).
- (2) Definitions.
- (3) Creation of an entity.
- (4) Administrative and procedural provisions.
- (5) Substance (state requirements in order of time, importance, or other logical sequence).
- (6) Prohibitions and penalties.

8-3 Definitions in General

(a) Use definitions only:

- (1) when a word is used in the sense of one of several dictionary meanings or is used in a technical manner;
- (2) to avoid repetition of a lengthy phrase; or
- (3) to limit or extend the meaning of a word for the provisions of the rule.

(b) Do not:

- (1) write substantive or applicability provisions into definitions;
- (2) use a word in a sense foreign to a dictionary meaning; or
- (3) develop and use an artificial concept.

(c) Use quotation marks and the following style when defining a term:

- (1) Use “means” to indicate that there is an exact equivalency between the defined term and the description.

EXAMPLE: Sec. 1. “Executive” means the mayor of a city.

- (2) Use “includes” to indicate items that are marginally included within a nonexhaustive definition.

EXAMPLE: Sec. 2. “License” includes permit.

- (3) Use “refers to” when adopting a shortened version of a term for use throughout a rule.

EXAMPLE: Sec. 3. “Population” refers to the population according to the most recent federal special or decennial census.

(4) Use “has the meaning set forth in ____ IAC ____” to reference an existing definition.

EXAMPLE: Sec. 5. “Products” has the meaning set forth in 500 IAC 6-1-3.

The elements of a definition may be tabulated. (See Manual 7-22 through 7-25.)

8-4 Definitions in a New Article

(a) When adding a new article, put the definitions for that article in one rule with each definition in a separate section in alphabetical order. Establish the first section in the definitions rule as an applicability section, for example:

Sec. 1. The definitions in this rule apply throughout this article.

(b) Begin the definition sections with the defined term, for example:

Sec. 2. “Incorporated entity” means a ...

8-5 Definitions in a New Rule

When adding a new rule, put each of the definitions in separate sections at the beginning of the rule in alphabetical order. Begin each definition section with a statement of applicability, for example:

Sec. 2. As used in this rule, “incorporated entity” means a ...

8-6 Adding Definitions to Existing Articles and Rules

When it is necessary to add a new definition to an existing article or rule, use the same style that is used in the article or rule.

8-7 Incorporation by Reference

(a) In addition to fully and exactly identifying a matter incorporated by reference, include the following information at least once:

(1) The publication date and edition, if more than one edition has been published, of the incorporated matter.

(2) That the matter incorporated by reference does not include any later amendments or editions.

(3) Where copies of the matter incorporated by reference are available at cost from the issuing agency.

(4) Where copies of the matter incorporated by reference are available from the entity originally issuing the matter.

(b) If a rule that incorporated matter by reference is amended, the rule may be amended without refiling the incorporated matter. However, in the rule proceeding record, cite the document with which the incorporated matter was filed and indicate the date and time the matter was filed.

8-8 Severability and Nonseverability

An agency's intent to sever valid rules from invalid rules is usually presumed. (For an analogy to the statutory provision, see IC 1-1-1-8(b).)

Chapter 9. Style Recommendations

9-1 Abbreviations

Spell out all words unless text is used in a quote or if the text is a preprinted form or notice.

9-2 Acronyms

(a) If not defined, in each IAC section the initial reference to a term or phrase with an acronym should be spelled out in lower case letters followed by the acronym in capital letters and parentheses. Any following reference in that IAC section must be the acronym.

EXAMPLE: Indiana Department of Environmental Management (IDEM)

(b) If defined, the acronym may be used in any text covered by the definition. Use only the acronym.

(c) The term "et seq." may be used with federal references, but not with state references.

9-3 And; Or; And/Or

(a) "And" usually stands for the conjunctive, connective, or additive. "Or" usually stands for the disjunctive or alternative. An ambiguity occurs where it is not clear whether the inclusive "or" (A or B, or both) or the exclusive "or" (A or B, but not both) is intended. It is also not always clear whether the several "and" (A and B, jointly or severally) or the joint "and" (A and B, jointly but not severally) is intended. To avoid this ambiguity say the following as appropriate:

(1) "A or B" where the exclusive is intended.

(2) "A or B, or both" where the inclusive is intended or where jointly or severally is intended.

(3) "A and B" where the conjunctive, connective, or additive is intended.

(b) Never use "and/or".

9-4 Apostrophes

(a) The possessive case of a singular or plural noun not ending in "s" is formed by adding an apostrophe and "s".

EXAMPLES: attorney's fees; children's hospital; man's; woman's; worker's compensation

(b) Although the possessive case of a singular noun ending in "s" or with an "s" sound is formed by adding an apostrophe and "s", this situation should be avoided by redrafting the language.

EXAMPLE: tires of the bus NOT bus's tires

(c) The possessive case of a plural noun ending in “s” or with an “s” sound is formed by adding an apostrophe.

EXAMPLE: public employees’ retirement fund

(d) An apostrophe should not be used after the names of countries and other organized bodies ending in “s” or after words more descriptive than possessive.

EXAMPLES: department of veterans affairs; prosecuting attorneys council

(e) In compounds nouns, the “’s” or “s’” is added to the element nearest the object possessed.

EXAMPLES: attorney general’s opinions; physical therapists assistant’s diploma

9-5 Brackets

Do not use brackets as punctuation.

9-6 Brevity

(a) Omit unnecessary words.

(b) If a word has the same meaning as a phrase, use the word.

(c) Use the shortest sentence that conveys the intended meaning.

9-7 Capitalization

(a) As a general rule, capitalization should be used sparingly.

(b) Do capitalize the following:

(1) The first word in a sentence and the first word in tabulated items in the listing style.

(2) Geographic names.

EXAMPLES: Ohio River; Marion County; Hoosier National Forest

(3) Months and days of the week.

(4) Names of streets, roads, parks, and buildings.

EXAMPLES: U.S. Route 50; Garfield Park; the White House

(5) Names of nationalities and languages.

EXAMPLES: Spanish-speaking people; English language

(6) Political parties and religious denominations.

EXAMPLES: the Democratic party; the Republican party; the Methodist church (but, First Methodist Church)

(7) Official titles of organizations and institutions.

EXAMPLES: Associated Press; Indiana University; Indiana State Medical Association

(8) Federal and international entities. Always use the correct name of an entity, and do not use acronyms as abbreviations.

EXAMPLES: United States Department of the Interior; United States House of Representatives; United States Senate; Federal Bureau of Investigation; World Bank; United Nations

(9) Titles of specific acts, federal laws, and other official documents.

- EXAMPLES: Equal Rights Amendment; Internal Revenue Code; Social Security Act; the Constitution of the United States; the Constitution of the State of Indiana; Rules of Trial Procedure
- (10) References to the Indiana Administrative Code and the Indiana Code.
- (11) Titles of honor and respect, when preceding the name.
EXAMPLES: Governor John Q. Public; State Senator Jane Q. Public; State Representative John Q. Public; U.S. Senator Jane Q. Public (but, senator of Indiana); Queen Elizabeth (but, queen of England)
- (12) Holidays, religious days, and historic events.
EXAMPLES: Fourth of July; Thanksgiving Day; Passover
- (13) Titles of books, magazines, newspapers, and periodicals.
EXAMPLES: The Indianapolis Star; the Indiana Register
- (14) “Class” when referring to a criminal penalty or a type of infraction, such as a Class B felony.
- (15) The second word of hyphenated titles, such as Community-Board.
- (c) Do not capitalize the following:
- (1) Words such as “city”, “county”, “state”, etc., when alone or with the word “of” preceding a specific name.
EXAMPLES: city of Indianapolis; second class city, the county (but, Lake County)
- (2) Directional parts of states and counties (except in surveyors’ reports and similar documents).
EXAMPLES: northern Indiana; central Tippecanoe County; midwestern states
- (3) General designations of buildings.
EXAMPLES: library in Fort Wayne (but, the Fort Wayne Library); the county courthouse; the Indianapolis post offices
- (4) The words “government” or “federal” (except when “federal” is a part of the name of the agency or statute). However, use “United States” instead of “federal” when referring to a specific entity that does not have “federal” in the name. Always use the correct name of an agency.
EXAMPLES: United States government; federal agencies (but, Federal Bureau of Investigation); United States Department of Health and Human Services; United States Social Security Administration
- (5) Names of legislative, judicial, and administrative bodies and government departments, unless the name refers to a federal body, department, etc.
EXAMPLES: Indiana general assembly; Indiana senate; department of state revenue; Congress of the United States; Supreme Court of the United States

(6) Official titles of state, county, or municipal officers, agencies, commissions, committees, or funds.

EXAMPLES: clerk of the circuit court; board of county commissioners; public employees' retirement fund; commission on the aging and aged; Indiana state board of health; Indiana state register of historic sites and structures

(7) Official titles when used without a proper name.

EXAMPLES: the governor; the commissioner; the speaker of the house

(8) References to laws on a particular subject.

EXAMPLES: motor vehicle laws; federal election laws; federal tax laws (but, Internal Revenue Code)

(9) Names of seasons of the year.

EXAMPLES: spring; summer session

9-8 Colons

(a) Use a colon to introduce a series.

EXAMPLE: THE FOLLOWING ARE REPEALED: 500 IAC 17; 500 IAC 18.

(b) Use a colon to introduce a long quotation.

9-9 Commanding, Authorizing, Forbidding, and Negating

(a) To create a right, say "is entitled to".

(b) To create discretionary authority, say "may".

(c) To create a duty, say "shall".

(d) To create a mere condition precedent, say "must".

(e) To negate a right, say "is not entitled to".

(f) To negate discretionary authority, say "may not".

(g) To negate a duty or a mere condition precedent, say "is not required to".

(h) To create a duty not to act, say "shall not".

(i) Avoid false imperatives. Avoid using hortatory qualifiers such as "will", "should", and "ought" in the text of a rule.

9-10 Commas

(a) If a sentence consists of two independent clauses, each with subject and predicate, use a comma before the conjunction.

EXAMPLE: The commission shall submit a report, and the governor shall review the report.

(b) If a sentence has a compound predicate, a comma is unnecessary unless required for clarity.

EXAMPLE: The treasurer shall file the report before June 30 and shall submit copies of the report to each member of the commission.

(c) A comma is used to set off a nonrestrictive adjective clause.

EXAMPLE: The director, who may not have other employment, is entitled to receive a salary.

- (d) A comma is not used to set off a restrictive clause.

EXAMPLE: The registrar shall assign a student identification number to each student who enters Purdue University.

- (e) Enclose a parenthetical phrase or clause with two commas.

EXAMPLE: The treasurer shall, before June 30 of each fiscal year, submit copies of the report to each member of the commission.

- (f) Words, phrases, or clauses in a series are separated by commas, including a comma before the conjunction connecting the last two members of a series.

EXAMPLE: The report shall be filed with the auditor of state, the treasurer of state, and the state board of tax commissioners. The report must contain all debits, credits, and profits of the corporation.

- (g) Adverbial phrases, introductory participial phrases, and introductory, long subordinate clauses should be set off by commas.

EXAMPLE: Because of the need for a more effective welfare program, the chairman ordered an extensive study of the present program. Until further notice is given, the present rules remain in effect.

9-11 Consistency

- (a) Be consistent in the use of language throughout a rule. Do not use the same word or phrase to convey different meanings. Do not use different language to convey the same meaning.

- (b) Be consistent in the arrangement of comparable provisions. Arrange sections containing similar material in the same way.

9-12 Gender

To the extent possible, avoid words importing gender.

9-13 Hyphens

Avoid hyphens. Many words that once were hyphenated are now written as one word or as two words without a hyphen.

EXAMPLES:

attorney general	reelect
bipartisan	statewide
cooperate	vice president
lieutenant governor	

9-14 Limitations, Exceptions, and Conditions

- (a) Describe limitations or exceptions to the coverage of a rule or conditions placed on its application in the first part of the rule. If they are numerous, give notice of their existence in the first part of the rule; state separately later in the rule.

- (b) If a provision is limited in its application or is subject to an exception or condition, it generally promotes clarity to begin the provision with a statement of the limitation, exception, or condition or with a notice of its existence. Avoid using “notwithstanding” to express a limitation of a general provision of the same rule.

DON'T SAY:

Sec. 1.(a) Notwithstanding subsection (b), ...

SAY:

Sec. 1.(a) Except as provided in subsection (b), ...

(c) “If”, “when”, and “whenever” are expressions of limitation or condition. The following illustrates forms of condition:

(1) If the condition is limited by a single occurrence that may never occur, use “if” to introduce the condition.

EXAMPLE: If the mayor resigns from office, the deputy mayor assumes the duties of the office.

(2) If the condition will occur more than once, introduce the condition with “whenever”.

EXAMPLE: Whenever the operator answers a call, the operator shall ...

(3) If the condition is certain to occur, use “when”.

EXAMPLE: When the statute takes effect, the governor shall ...

(d) Do not use “provided that”, “provided however that”, or similar proviso language. Use “but” instead of “except that”.

9-15 Mood

Use the indicative mood.

DON'T SAY:

The report shall include ...

A person shall be entitled ...

SAY:

The report must include ...

A person is entitled ...

9-16 Number; Singular/Plural

Use the singular instead of the plural, since singular words apply to several persons or things as well as to one person or thing.

9-17 Numbers

(a) Exceptions to spelling out a number are as follows:

(1) Date.

(2) Time.

(3) In the digest, spell out whole numbers under 10 and use Arabic numbers for 10 and above.

(4) Grade point average.

(5) pH value.

(b) Other special number treatments are as follows:

(1) One foot in seven inches (1':7").

(2) Two inches in twelve inches (2:12").

(3) Plus or minus ten percent (10%).

9-18 Parentheses

(a) Avoid parentheses except when they are more reliable than commas in setting off a phrase where there is possible uncertainty as to how the ideas that follow the phrase are linked to the ideas that precede it.

EXAMPLE: When it is necessary to order individuals to active duty (other than for training) without their consent, ...

(b) Parentheses may also be used if necessary to make clear a reference to another provision by indicating the nature of the referenced provision.

EXAMPLE: 410 IAC 16-2 (Residential Care Facilities)

9-19 Quotation Marks

Use quotation marks to enclose defined words or phrases. Commas, periods, and question marks should be placed outside the quotation marks unless the punctuation is included as part of the quoted material. Commas are also placed outside quotation marks when in the middle of a sentence.

EXAMPLES: As used in this section, “ad valorem tax” means ...; “Revenue bonds”, as used in this subsection, refers to bonds issued under IC 36-9-31-10.

9-20 Semicolons

Generally, only use semicolons in the sentence style of tabulation.

EXAMPLE: A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

- (1) advanced study;
- (2) work experience;
- (3) teacher exchange programs; or
- (4) approved educational travel.

9-21 Sentence Structure

Use short, simple sentences. Avoid excessive use of dependent clauses, parallel clauses, compound sentences, and other complex sentence structures.

9-22 Subject of Sentence

Unless it is clear from the context, use as the subject of each sentence the person or entity:

- (1) to whom a power, right, or privilege is granted; or
- (2) upon whom a duty, obligation, or prohibition is imposed.

9-23 Such; Said

(a) Use the articles “a”, “an”, and “the” instead of the words “such” or “said”. It is appropriate to use “such” to express an example.

EXAMPLE: The commission may take steps to provide compliance, such as ordering the applicant to submit a verified statement.

(b) Do not use “any”, “each”, “every”, “all”, or “some” if “a”, “an”, or “the” can be used with the same result.

9-24 Tense

(a) Use the present tense. However, when it is necessary to express a time relationship (such as when there is a condition precedent to the operation of the law), state the facts that are concurrent with the operation of the law as present facts and the facts precedent to its operation as past facts.

EXAMPLE: If a person has furnished the training, the person may ...

(b) When the future tense is appropriate, use “will”.

EXAMPLE: If the director determines that the computer system will cause problems, the director shall ...

9-25 Voice

(a) Use the active voice whenever possible.

(b) In rare instances, the passive voice may be used, such as when the subject of the sentence is the focus of some action to be implicitly taken by another person who is not mentioned in the sentence.

DON'T SAY:

All the complaints shall be reviewed by the director.

SAY:

The director shall review all the complaints.

9-26 Which; That

(a) Use “which” set off by commas to introduce a nonrestrictive clause. A nonrestrictive clause is a clause that is not needed to clarify the meaning of the word that it modifies.

EXAMPLE: The application, which need not be verified, must be signed by the applicant.

(b) Use “that” to introduce a restrictive clause modifying the nearest antecedent. A restrictive clause is a clause that is needed to make clear the meaning of the word that it modifies.

EXAMPLE: An application to renew a license that has been revoked must be signed by the applicant.

9-27 Word Usage; Preferred Usage and Spelling

aboveground	court appointed
acknowledgement	cross-examine
act of Congress	cross-reference
aesthetic	cross section
AIDS related (no hyphen)	cutoff (adj)
ancillary	cut-off (n)
antemortem	
“anti” words, all one word	database
archeology	day care
areawide (adj)	decision maker
arm’s-length transaction (adj)	decision making
arm’s length, at arm’s length	disk (when used with computer)
asbestos containing material	ductwork
at-large (at-large member)	
at large (member at large)	endorse
attorney general	ensure (to make sure)
audio-visual	even-numbered
auxiliary (adj)	
	face-to-face
back-up	factfinding
Barret Law	farmland
blood borne	federal
biweekly	firefighter
budget making	firefighting
build-up (n)	fire-resistant
bylaws	first class
byproduct	follow-up
bypass	foot-candle
	for-profit (adj) (for-profit corporation)
cancelable	for profit (operated for profit)
canceled	four-wheel
canceled	fundraising
cancellation	full-time (adj) (full-time mayor)
case-by-case basis	full time (employed full time)
child care	
clean-up (adj)	
cleanup (n)	good will
“co” words, all one word, except “co-op”	ground water
common law	
Constitution of the state	
cost-effective (adj)	half time
cost sharing	haulback
county wide	health care (adj)
course work	healthcare (n)

“in” words, as a prefix, one word

in-depth

in-service

in-state

judgment

kindergarten through grade 9

knowledgeable

landowner

latch key

law abiding

lay person

lease-purchase

life threatening

lifetime

liquefiable

long term

makeup (n)

make up (v)

manmade

marshal

Medicaid

Medicare

micro-organisms

“mini” words, all one word

“multi” words, all one word

multiple county

multiple purpose

municipally owned

muzzle loading

next-of-kin

no-fault

“non” words, all one word

not-for-profit

odd-numbered

offroad

off-side

on-board

ongoing

on-premises

on-site

one-time fee

one-way

on-the-job training

“out” words, as a prefix, all one word

out-of-pocket

out-of-state

pari-mutuel

part-time (adj) (part-time firefighter)

part time (employed part time)

pickup (adj)

pocket card

policyholder

policy making

post-closure

postgraduate

postmortem

post office

postsecondary

power line

“pre” words, all one word

psychosocial

“quasi” words, all hyphenated

rate-setting criteria

“re” words, all one word

record keeping

right-of-way

rights-of-way

rulemaking

run-off

run-on

school age

school bus

school children

school related

school room

secondhand (adj)

second hand (n)

“self” words, as a prefix, all hyphenated

semiannual

semiskilled

semitrailer

short term
shutdown
sign up
single-family home
startup
state house
state owned
state supported
statewide
storm water
straightaway
student athletes
subbituminous
supersede
suspendible

10-point type
take off (n)
time and a half
time frame
time-out
time-share
two-way

underinsured
up-to-date
U-turn

vendor
videotape

wastewater
watermark
weather tight
well-being
well-maintained
wheelchair
willfully
x-ray

EXHIBITS

EXHIBIT 1 Section Designations

345 IAC 2-6-7 Infected herds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 7. (a) All reactors shall be further identified, upon demand, as follows:

(1) A reactor tag approved by the board shall be affixed to the left ear.

(2) The letter "B" not less than two (2) inches or more than three (3) inches shall be branded high on the left tailhead (over the fourth to the seventh coccygeal vertebrae) with a hot iron, in such a manner that the brand shall be permanent. This identification shall be prior to movement from the owner's premises.

(b) The disposal of reactors shall be as follows:

(1) All reactors shall be:

(A) isolated immediately from the remaining portion of the herd; and

(B) removed from the premise for slaughter to an approved slaughtering establishment or to an approved market for sale to such slaughtering establishment within fifteen (15) days following branding and tagging. (The time may be extended fifteen (15) days for reasons mutually acceptable to the cooperating state and federal officials in charge.)

(2) Reactors shall be accompanied by a permit for movement of animals as prescribed by the board.

(c) Cleaning and disinfecting shall be performed, except as further noted, following the prescribed methods outlined by regulatory personnel, within fifteen (15) days following removal of reactors. An extension of time may be considered under extenuating circumstances.

(d) This subsection establishes requirements for quarantine of infected herds or infected feedlots. All cattle, except steers and spayed heifers, must be:

(1) confined to the premises until the herd is tested and found to be free of Brucellosis; or

(2) sold for slaughter under permit for movement of animals. (See subsection (e)(3) concerning "S" branding.)

(e) Identification and disposition of exposed cattle shall be as follows:

(1) Animals that have been in contact with Brucellosis reactors in marketing channels for more than twenty-four (24) hours are considered to be exposed regardless of the blood test results and shall be:

(A) sent to immediate slaughter; or

(B) returned to the farm of origin under quarantine to be isolated from other cattle and tested as required under subsection (g).

If exposed animals are moved to slaughter, they shall be identified by hot branding with the letter "S" (at least two (2) inches by two (2) inches) placed high on the left tailhead (over the fourth to the seventh coccygeal vertebrae) prior to movement and accompanied by permit for movement.

(2) Exposed cattle returned from the auction market to the herd of origin, under quarantine, pending further testing are exempt from this requirement.

(3) No suspects or any animals from a Brucellosis quarantined herd or quarantined feedlot shall be removed from the premises, until a permit for movement, VS Form #1-27, has been obtained from the board or its agent by the owner or caretaker, and the animal is properly identified with an "S" brand. Feedlot cattle may be sold directly to Indiana approved slaughter plants with head count and permit VS Form #1-27 without branding.

(f) The board or its agent may issue permits for any cattle from a quarantined herd or quarantined feedlots only for consignment directly to an approved state or federal slaughtering establishment, or to a commission firm located at an approved public stockyard or approved auction market for reconsignment for immediate slaughter, and shall include the following:

(1) The owner of the animals shall furnish the following to the board:

(A) The destination.

(B) The name and address of:

(i) the commission firm; or

(ii) the approved state or federal slaughtering establishment.

(2) The permit shall:

(A) show identification of the animals by tag number; and

(B) specify the animals described shall be sold for slaughter only.

(3) The trucker shall:

(A) have the permit in his or her possession when the animals described in this subsection are being transported; and

(B) deliver the permit to the consignee or his or her agent at destination.

(4) The person to whom such animals are consigned shall immediately report to the board the receipt of such animals.

(g) Release of quarantine shall be as follows:

(1) All cattle, except steers and spayed heifers, including officially vaccinated heifers and calves in affected herds, shall be confined to the premises until the herd is freed of Brucellosis or sold for slaughter under "S" brand and permit and shall include the following:

(A) Three (3) consecutive negative herd blood tests are required for release of quarantine with the first negative herd test occurring not less than thirty (30) days after the removal and slaughter of all previous reactors.

(B) The second negative herd blood test shall occur not less than one hundred twenty (120) days following the removal of the last reactor.

(C) The releasing test (the third negative herd blood test) shall occur not less than ten (10) months (two hundred ninety-nine (299) days) following the removal of the last reactor. Exceptions shall be as follows:

(i) Herds where Strain 19-Brucella is cultured from milk and/or tissue from the reactor. Those herds may be released from quarantine after a negative herd test thirty (30) days from removal of reactor.

(ii) Herds where no Brucella are isolated from milk and/or tissue and no further evidence of Brucellosis is evident may be released one hundred twenty (120) days from removal of reactor upon the recommendation of the Brucellosis epidemiologist.

(2) Herd of origin of market cattle test reactors that fail to reveal additional reactors on a test of the entire herd would not be required to be held under quarantine for additional testing unless evidence suggestive of Brucella infection or exposure thereto is present.

(3) Any suspect found on the test for release of quarantine and subsequently testing negative after thirty (30) days may qualify the herd for release of quarantine.

(4) Cleaning and disinfection under the guidelines of state or federal personnel are required before the quarantine can be released.

(Indiana State Board of Animal Health; 345 IAC 2-6-7; filed Oct 29, 1984, 8:59 a.m.: 8 IR 170; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1071; filed Sep 6, 1990, 2:30 p.m.: 14 IR 88; filed Oct 11, 1996, 2:00 p.m.: 20 IR 744, ineffective under IC 4-22-2-25; filed Mar 27, 1997, 11:15 a.m.: 20 IR 2112)

EXHIBIT 2
New Text
Amendment Technique
Redesignation Within a Section

Sec. 21. (a) This section applies only to intermediate care facilities and skilled nursing facilities.

(b) Recognition of the costs related to total staffing requirements will be limited to ~~4.5~~ **four and seventy-five hundredths (4.75)** hours worked per patient day in skilled nursing facilities.

(c) The minimum nursing staffing requirements shall be 2.5 hours worked per patient per day in skilled nursing facilities and 1.5 hours worked per patient per day in intermediate care facilities until June 30, 1984.

~~(d)~~ **(c)** Providers of intermediate care facilities services whose allowable costs are less than the MAL for their type of service and geographical area shall be allowed to retain a percent of the difference as an incentive for efficient operations.

~~(e)~~ **(d)** ~~The percentage~~ rate shall be as follows: ~~in CY 1983 thirty-two percent (32%); in CY 1984 thirty-one percent (31%);~~ **thirty percent (30%).**

EXHIBIT 3
Specific Repeal

Single Repeal

SECTION 2. 310 IAC 13 IS REPEALED.

Multiple Repeal

SECTION 2. THE FOLLOWING ARE
REPEALED: 470 IAC 5-3-1; 470 IAC 5-3-5; 470
IAC 5-3-6; 470 IAC 5-3-7; 470 IAC 5-6.

EXHIBIT 4
Repeal of Noncode SECTION

**TITLE 310 DEPARTMENT OF NATURAL
RESOURCES**

LSA Document #97-150(E)

DIGEST

Repeals emergency amendment of LSA Document #97-103(E), SECTIONS 1 through 2, 19 IR 12.

SECTION 1. THE FOLLOWING ARE REPEALED: LSA Document #97-103(E), SECTION 1; LSA Document #97-103(E), SECTION 2.

EXHIBIT 5 Proposed Rule LSA Document Form

NOTICE OF PROPOSED ACTION Legislative Services Agency Administrative Code and Register Division 302 West Washington Street Indiana Government Center-South, Room E011 Indianapolis, IN 46204-2789 317/232-9557 FAX: 317/232-2554		<i>(LSA USE)</i> Date Received by LSA: LSA Document Number:
*** INSTRUCTIONS ARE ON THE REVERSE SIDE ON THIS FORM ***		
1. Name and Address of Issuing Agency		
2. Name of Authorized Person to Call Regarding this Proposed Action		3. Telephone Number
4. Newspaper Publication Date	5. Date, Time, and Location of Public Hearing	
6. Digest of Proposed Action		
7. Statutory Authority of Proposed Action		
8. Statutory Interpreted, Supplemented, or Implemented by Proposed Action		
9. Type of Proposed Action		
<input type="checkbox"/> New Rule <input type="checkbox"/> Amendment <input type="checkbox"/> Repealed <input type="checkbox"/> Emergency Temporary Standard		
10. Effective Date of Action		
Statutory Date: YES NO Later Date Listed: _____		
11. Artwork and/or Incorporation by Reference Attachments		
Artwork: YES NO Incorporation by Reference: YES NO		
12. Other Action		
<input type="checkbox"/> Recalled Document <input type="checkbox"/> Document Withdrawal <input type="checkbox"/> Agency Correction		

***** INSTRUCTIONS *****

1. Current mailing address of issuing agency.
2. Name of agency contact person.
3. Phone number of agency contact person.
4. Date that the public hearing notice will appear in a newspaper of general circulation in Marion County, Indiana.
5. Self Explanatory.
6. Brief statement of the subject matter of the proposed action.
7. Indiana Code citation(s) which authorizes the agency to promulgate rules concerning this subject matter.
8. Indiana Code citation(s) which this rule interprets, supplements, or implements.
9. Check appropriate box(es).
10. Specify later effective date if effectiveness is to be more than 30 days after filing with the Secretary of State (See, IC 4-22-2-36.)
11. Circle appropriate response.
12. Check action that is intended. These categories are subsequent to proposed action previously taken. Include LSA Document Number from proposed action and/or use a copy of previously assigned LSA Document Number. For complete information on a recall see IC 4-22-2-40; withdrawal see IC 4-22-2-41; and agency correction see IC 4-22-2-38.

EXHIBIT 6
Notice of Public Hearing
Required Information

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 23, 1997, at 9:15 a.m., at the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms A and B, Indianapolis, Indiana, the Medical Licensing Board of Indiana will hold a public hearing on proposed rules to establish standards of competent practice of physical therapy or practice as a physical therapist's assistant. Copies of these rules are now on file at Indiana Government Center-South, 402 West Washington Street, Room W041 and the Administrative Code and Register Division of the Legislative Services Agency, Indiana Government Center-South, 302 West Washington Street, Room E011, Indianapolis, Indiana and are open for public inspection.

Laura Langford
Executive Director
Health Professions Bureau

EXHIBIT 7
Multiple Public Hearings

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 23, 1997, at 4:00 p.m., at the Purdue University Campus, Stewart Center, Room 307, West Lafayette, Indiana; **AND** on June 24, 1997, at 7:00 p.m., in the Council Chambers, 4th Floor, Government Building, 3rd Street, Columbus, Indiana, the Water Pollution Control Board will hold a public hearing on the proposed recodification of its rules.

John Hamilton
Commissioner
Department of Environmental
Management

EXHIBIT 8
Change of Public Hearing

**TITLE 675 FIRE PREVENTION AND
BUILDING SAFETY COMMISSION**

LSA Document #97-209

The Fire Prevention and Building Safety Commission gives notice that the date of the public hearing for LSA Document #97-209, printed at 192 IR 1414, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on **April 4, 1997**, at **10:00 a.m.**, at the Department of Fire and Building Services, Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana, the Fire Prevention and Building Safety Commission will hold a public hearing on proposed rules concerning amendments to the Indiana building code. Copies of these rules are now on file at Indiana Government Center-South, 402 West Washington Street, Room W161 and the Legislative Services Agency, Indiana Government Center-South, 302 West Washington Street, Room E011, Indianapolis, Indiana and are open for public inspection.

Melvin J. Carraway
Executive Director
Fire Prevention and Building Safety
Commission

EXHIBIT 9
Agency Correction

**TITLE 410 INDIANA STATE DEPARTMENT
OF HEALTH**

LSA Document #97-12(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #97-12(F), printed at 19 IR 1720:

(1) In 410 IAC 3-2-2(a), on page 15 of the original document (11 IR 1725), after “market”, delete “cetr” and insert “center”.

(2) In 410 IAC 3-2-2(d), on page 15 of the original document (11 IR 1726), after “thirty-five”, insert “(35)”.

Indiana State Department of Health

Legislative Services Agency

Secretary of State

EXHIBIT 10
Recall of Rule

**TITLE 410 INDIANA STATE DEPARTMENT
OF HEALTH**

LSA Document #97-194

Under IC 4-22-2-40, LSA Document #97-194,
printed at 19 IR 963, is recalled.

EXHIBIT 11
Withdrawal of Rule

**TITLE 326 AIR POLLUTION CONTROL
BOARD**

LSA Document #97-155

Under IC 4-22-2-41, LSA Document #97-155,
printed at 19 IR 423, is withdrawn.

EXHIBIT 12
Emergency Rule

EMERGENCY DOCUMENT

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

USE THIS DIGEST WITH
ORIGINAL FILING:

LSA Document #97-22(E)

DIGEST

Temporarily adds provisions to update and clarify the requirement for licensing and regulation of home health agencies. [IF THIS EMERGENCY DOCUMENT TEMPORARILY AMENDS AN EXISTING IAC SECTION, THE LANGUAGE WOULD BE: "Temporarily amends 410 IAC 1-2-3 concerning..."] Authority: IC 4-22-2-37.1(g). Effective July 1, 1997.

USE THIS DIGEST WITH
EXTENSION:

LSA Document #97-75(E)

DIGEST

Temporarily adds provisions to update and clarify the requirement for licensing and regulation of home health agencies. Authority: IC 4-22-2-37.1(g). The original emergency document, LSA Document #97-22(E), as printed at 19 IR 1733, effective July 1, 1997, expires September 29, 1997. Effective July 30, 1997.

SECTION 1. (a) The definitions in this SECTION apply throughout this document.

(b) “Administrator/director” means either a licensed physician, a registered nurse, or an individual who has had training and experience in health service administration and at least one (1) year of supervisory or administrative experience in home health care or related programs.

(c) “Branch office” means a location or site from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the home health agency and is located sufficiently close to share administration, supervision, and services.

(d) “Bylaws or equivalent” means a written set of rules adopted by a home health agency for governing the agency’s operation.

(e) “Department” means the Indiana state department of health.

SECTION 2. (a) No person shall open, manage, conduct, or maintain a home health agency or advertise as such without a license issued by the department.

(b) A license is required for any home health agency providing care in Indiana where the parent agency is located in a state other than Indiana. The agency must be authorized by the secretary of state to conduct business in Indiana and have a branch office located in Indiana.

(c) Application for a license to operate a home health agency shall be made on a form provided by the department and shall be accompanied by a nonrefundable fee of two hundred dollars (\$200) payable to the department.

SECTION 3. (a) The commissioner of the department may take one (1) or more of the following actions on any ground listed in subsection (b):

(1) Issue a letter of correction.

(2) Issue a probationary license.

(3) Conduct a resurvey.

(4) Deny license or renewal of a license.

(5) Revoke a license.

(6) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).

(b) The commissioner may take action under subsection (a) on any of the following grounds:

(1) Violation of any of the provisions of IC 16-10-2.2 or this article.

(2) Permitting, aiding, or abetting the commission of an illegal act in a home health agency.

(3) Conduct or practice found by the board to be detrimental to the welfare of the patients of the home health agency.

(4) IC 4-21.5 applies to an action under this SECTION.

(c) An application for renewal of license shall be filed with the division at least sixty (60) days prior, but not sooner than ninety (90) days before, the expiration date of the current license.

(d) The commissioner may commence an action under IC 16-10-2.2 to levy civil penalties against a person who:

(1) fails to comply with IC 16-10-2.2 or this document; or

(2) interferes with or obstructs the board or its designated agent in the performance of duties pursuant to IC 16-10-2.2.

(e) A monetary civil penalty may be sought for each documented violation of IC 16-10-2.2 or this document. Monetary civil penalties issued may not exceed ten thousand dollars (\$10,000) per violation.

SECTION 4. Personnel practices for employees shall be supported by appropriate written policies. All professional care, supervisory, and staff personnel caring for patients residing in Indiana shall be subject to Indiana licensure, certification, or registration required to perform the respective service. Personnel records of employees who deliver home health services shall be kept current and shall include documentation of orientation to the job, job descriptions, qualifications, a copy of limited criminal history pursuant to IC 16-10-2.6, copy of current license, annual performance evaluation, and health status. The documentation of health status shall show the following:

(1) A preemployment physical examination of sufficient scope to prohibit to spread of infectious and communicable disease from agency personnel to patients.

(2) That all employees who will have direct patient contact have had a PPD (mantoux) skin test for tuberculosis prior to employment and annually thereafter, for negative findings. Positive findings shall require appropriate clinical follow-up, but no repeat skin test. A physician shall advise and approve policies regarding positive findings. The agency shall follow the “Core Curriculum on Tuberculosis, Chapter IV(B, second edition (April 1991))”.

SECTION 5. Chapter IV(B) of Core Curriculum on Tuberculosis, 2nd Edition, (April 1991) is hereby incorporated by reference. Copies of this publication may be obtained by writing to Technical Information Services, Centers for Prevention Services, Centers for Disease Control, Mail Stop E06, Atlanta, Georgia 30333. Copies may also be obtained from the Indiana State Department of Health, 2 North Meridian Street, Indianapolis, Indiana 46204.

USE THIS EXPIRATION
STATEMENT WITH
ORIGINAL FILING:

SECTION 6. This document expires September 29, 1997.

USE THIS EXPIRATION
STATEMENT WITH
EXTENSION:

**SECTION 6. This document expires
December 30, 1997.**

EXHIBIT 13
IR and IAC Pages
Inserted Changes

TITLE 240 STATE POLICE DEPARTMENT

LSA Document #96-246(F)
DIGEST

Amends 240 IAC 1-4-3 to include the requirement that police applicants be less than 35 years of age. Adds 240 IAC 1-4-24.1 to provide for mandatory retirement for police employees at 60 years of age. Effective 30 days after filing with the secretary of state.

240 IAC 1-4-3
240 IAC 1-4-24.1

SECTION 1. 240 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

240 IAC 1-4-3 Applicant standards for appointment

Authority: IC 10-1-1-3
Affected: IC 10-1-1

Sec. 3. Only those applicants for the position of police employee who meet the following initial standards will be considered:

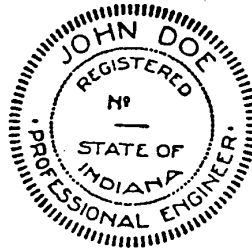
- (1) Must be a United States citizen.
- (2) Must be at least twenty-one (21) years of age **and less than thirty-five (35) years of age** when appointed as a police employee. The superintendent shall have the authority to recruit police employee applicants between eighteen (18) years of age and twenty-one (21) years of age, who otherwise meet all qualifications for the position of police employee, in order that the state police department may hire such applicants in nonpolice vacancies.
- (3) Must be a high school graduate as evidenced by a diploma or equivalency diploma issued by an accredited high school.
- (4) Must have successfully completed sixty (60) semester credit hours or ninety (90) quarter credit hours of postsecondary education. The credit hours must:
 - (A) have a minimum accumulated grade point average of 2.0 on a 4.0 grade scale; and
 - (B) be evidenced by a certified transcript from an accredited college or university.
- (5) Must ~~posses~~ **possess** a valid driving license to operate an automobile.

(6) Must be willing, if appointed, to reside and serve any place within Indiana as designated by the superintendent.

(7) Must be willing to refrain from engaging in any political activity prohibited by law or that would create a conflict of interest as an employee of the department.

(State Police Department; 240 IAC 1-4-3; filed Jan 6, 1983, 8:23 a.m.: 6 IR 322; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3375; filed Jul 7, 1997, 8:10 a.m.: 20 IR 3005)

EXHIBIT 14
Artwork Included in Text



IND. STATE BD. of HEALTH "0000000" 0

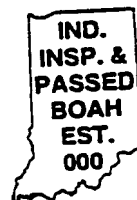


EXHIBIT 15
LSA Document Number
Multiple Final Rules

**TITLE 326 AIR POLLUTION CONTROL
BOARD**

LSA Document #97-209(F)
(Filed with the Secretary of State on March 14,
1997)

**TITLE 326 AIR POLLUTION CONTROL
BOARD**

LSA Document #97-209(F)(2)
(Filed with the Secretary of State on June 12,
1997)

EXHIBIT 16
Digest Components

DIGEST

Amends 511 IAC 1-2 concerning determining and reporting attendance and membership for state support. Adds 511 IAC 1-3-3 concerning average daily enrollment. Effective 30 days after filing with the secretary of state.

511 IAC 1-2

511 IAC 1-3-3

EXHIBIT 17
Lead-in Line for Addition or Amendment

To add a new section to a rule that has been printed in the IAC:

“SECTION 1. 470 IAC 1-1-21 IS ADDED TO READ AS FOLLOWS:”

To add a new section to a rule that has not been printed in the IAC:

“SECTION 1. 470 IAC 1-1, AS ADDED AT 12 IR 759, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:”

To add a new rule to an article that has not been printed in the IAC:

“SECTION 1. 470 IAC 5, AS ADDED AT 12 IR 12, SECTION 1, IS AMENDED BY ADDING A NEW RULE TO READ AS FOLLOWS:”

To add a new article to a title that has not been printed in the IAC:

“SECTION 1. 470 IAC, AS ADDED AT 12 IR 4, SECTION 1, IS AMENDED BY ADDING A NEW ARTICLE TO READ AS FOLLOWS:”

To amend a section that has been added in a previous IR, but has not been printed in the IAC:

“SECTION 1. 470 IAC 1-1-45, AS ADDED AT 12 IR 101, SECTION 1, IS AMENDED TO READ AS FOLLOWS:”

To amend a section that has been amended in the IR, but has not been printed in the IAC:

“SECTION 1. 470 IAC 1-1-23, AS AMENDED AT 12 IR 4, SECTION 10, IS AMENDED TO READ AS FOLLOWS:”

To amend a section that has been amended in the same issue of the IR:

“SECTION 1. 470 IAC 1-1-30, AS AMENDED AT 13 IR ____, SECTION __, IS AMENDED TO READ AS FOLLOWS:”

To amend a section that has been proposed to be added or amended in the IR, but has not yet become final:

“SECTION 1. 470 IAC 1-1-16, PROPOSED TO BE ADDED/AMENDED AT 12 IR 78, SECTION 3, IS AMENDED TO READ AS FOLLOWS:”

EXHIBIT 18
Reference Lines

Section heading ——— **864 IAC 1-4-10 Examination grades; review of examination; retention of answer sheets**

Authority line ——— **Authority: IC 25-31-1-7**

Affected line ——— **Affected: IC 25-31-1-14**

IAC section number ——— Sec. 10. (a) An individual who has taken an examination will be informed by mail of the results of the examination. An applicant may review the examination answer sheet in the board's office at any time during regular business hours after the sheets become available, which usually will be two (2) weeks after the mailing of the results of the examination.

(b) All examination answer sheets will be retained in the board's office for one (1) year after the examination date after which the sheets will be destroyed.] (*State Board of Registration for Professional Engineers and Land Surveyors; 864 IAC 1-4-10; filed Mar 14, 1988, 9:45 a.m.: 11 IR 745*)

History line ———

EXHIBIT 19
Effective Date Provision

SECTION 3. SECTIONS 1 through 4 of this document take effect January 1, 1997.

EXHIBIT 20
History Line Components

EXAMPLE 1:

(d) The department may take action to implement Medicaid rates without awaiting the outcome of the administrative process. (*State Department of Public Welfare; 470 IAC 5-4-27; filed Feb 24, 1983, 1:19 p.m.: 6 IR 748, eff Apr 1, 1983; filed Feb 22, 1984, 1:48 p.m.: 7 IR 1041, eff Apr 1, 1984; filed May 22, 1987, 12:45 p.m.: 10 IR 2283, eff Jul 1, 1987*)

EXAMPLE 2:

(e) “Dependent family member”, for the purpose of determining the allocation in subsection (c)(5), means a person listed as follows who resides with the community spouse:

(1) Biological or adoptive children of either spouse, under age twenty-one (21).

(2) Biological or adoptive children of the community or institutionalized spouse who are age twenty-one (21) or over and who are claimed for tax purposes by either spouse under the Internal Revenue Service Code.

(*State Department of Public Welfare; 470 IAC 9.1-3-19; filed Dec 1, 1989, 5:00 p.m.: 13 IR 628; filed May 2, 1990, 4:55 p.m.: 13 IR 145*)

EXAMPLE 3:

Sec. 24. Conviction of a crime shall be deemed incompetent practice if the acts that resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a registered professional engineer or a registered land surveyor. (*State Board of Registration for Professional Engineers and Land Surveyors; Rule 11, Sec 24; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; errata filed Oct 1, 1987, 1:30 p.m.: 11 IR 50; filed Jun 3, 1988, 3:50 p.m.: 11 IR 3566*)

EXHIBIT 21
Cross Reference To Other Rules

The following references are based on the assumption that the references are made in 470 IAC 1-1-70:

A Reference To:	Should Be Expressed As:
article 4 of this title	470 IAC 4
sections 1 and 2 of rule 6	470 IAC 1-6-1 through 470 IAC 1-6-2
rules 6 and 7 of article 12	470 IAC 12-6 through 470 IAC 12-7
470 IAC 1-2-7(c), (d), or (e)	470 IAC 1-2-7(c), 470 IAC 1-2-7(d), or 470 IAC 1-2-7(e)
sections 9, 10, and 11	sections 9 through 11 of this rule
470 IAC 1-1-5, 470 IAC 1-1-6, 470 IAC 1-1-7, and 470 IAC 1-1-8	sections 5 through 8 of this rule
470 IAC 1-1-3 through 470 IAC 1-1-6 and 470 IAC 1-1-8 or 470 IAC 1-1-11	sections 3 through 6 and section 8 or 11 of this rule
470 IAC 1-1-75(c)	section 75(c) of this rule
470 IAC 1-1-5(a)(1) or (2)	section 5(a)(1) or 5(a)(2) of this rule
470 IAC 1-1-8(a)(2), (b), and (c)	section 8(a)(2) and 8(b) through 8(c) of this rule
470 IAC 1-1-20(b) and 470 IAC 1-1-27(a)	sections 20(b) and 27(a) of this rule
470 IAC 1-1-36, Table I	Table I of section 36 of this rule
sections 68, 69, and 70	sections 68 through 69 of this rule and this section
sections 65 through 158 of this rule	sections 65 through 69 of this rule, this section, and sections 71 through 158 of this rule
sections 70 through 158 of this rule	this section and sections 71 through 158 of this rule

The following references are based on the assumption that the references are made in 470 IAC 1-1-70(b):

A Reference To:	Should Be Expressed As:
470 IAC 1-1-70(d)(2) and (d)(3)	subsection (d)(2) through (d)(3)
(a)(3) above	subsection (a)(3)
470 IAC 1-1-70(b)(1)(A)	subdivision (1)(A)

EXHIBIT 22
Federal Citations

United States Code

33 U.S.C. 1251 as effective (insert date of U.S.C.
effectiveness)

16 U.S.C. 202, in effect on (insert date of Indiana
rule adoption)

42 U.S.C.A. §604

Code of Federal Regulations

24 CFR 201

24 CFR 201, Subpart G

Federal Register

45 FR 41629, July 1, 1989

EXHIBIT 23
Notice of Intent to Adopt a Rule

**TITLE 848 INDIANA STATE BOARD OF
NURSING**

LSA DOCUMENT #97-228

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

OVERVIEW: Adds 848 IAC 1-1-2.1 concerning definitions of terms and phrases used in the rules for registered nurses and practical nurses. Adds 848 IAC 1-2 to establish accreditation standards for nursing programs for registered nurses and practical nurses. Repeals 848 IAC 1-1-2, 848 IAC 1-1-3, and 848 IAC 1-1-4. Public comments are invited.

Checklist for Adoption of Administrative Rules

- STEP 1: Need approval from Budget Agency (Executive Order 2-89).
- STEP 2: Publish "Notice of Intent to Adopt a Rule" at least thirty (30) days before publication of the proposed rule. (IC 4-22-2-25, eff July 1, 1995)
- STEP 3: Within sixty (60) days after the effective date of the statute authorizing a rule, publish the proposed rule and notice of public hearing.
(a) Submit hearing notice, two (2) copies of proposed rule, and one (1) copy of the matters incorporated by reference to the Legislative Services Agency (LSA) and obtain an LSA document number.
(b) Publish notice of public hearing in Marion County newspaper.
(c) Make at least one (1) copy of the proposed rule, including the full text of any matters incorporated by reference, available for public inspection.
(IC 4-22-2-20, IC 4-22-2-21, IC 4-22-2-24)
- STEP 4: Within fifteen (15) days after publication of the proposed rule, determine the fiscal impact of the proposed rule. If the fiscal impact is more than \$500,000, immediately submit the proposed rule to LSA, Office of Fiscal and Management Analysis for a fiscal analysis. (IC 4-22-2-28)
- STEP 5: Hold public hearing. (IC 4-22-2-26)
- STEP 6: Before the 250th day after publication of the notice of intent to adopt a rule, determine whether the proposed rule can be adopted not later than one (1) year after publication of the notice of intent to adopt a rule. (IC 4-22-2-25)
- STEP 7: If the rule cannot be adopted within one (1) year after publication of the notice of intent to adopt a rule, not later than the 250th day after publication of the notice of intent to adopt a rule send written notice to the chairperson of the administrative rules oversight committee in accordance with IC 4-22-2-25.
- STEP 8: Adopt final rule, including any revisions. (IC 4-22-2-27 through IC 4-22-2-29)
- STEP 9: Prepare and submit the following to the Attorney General for approval:
(a) One (1) original and five (5) copies of the final rule, each with a signature page.
(b) Three (3) copies of any matters incorporated by reference, if applicable, including a notice briefly describing the incorporated matters.
(c) Three (3) copies of supporting documentation, separately bound and clearly labeled, that include the following:
(1) Newspaper proof of publication (publisher's affidavit).
(2) Transcript or summary of the public hearing.
(3) Other miscellaneous matters made a part of the rule package, if applicable, such as the following:
(A) Transmittal letter.
(B) List of all text changes made after publication of the proposed rule in the Indiana Register.
(C) List of all matters incorporated by reference that have been previously filed with the Secretary of State, including a citation to the document with which the matter was filed and indicating the date and time the matter was filed.
(d) Executive summary (required by Governor but may be submitted at this time).
(e) Budget Agency approval letter (see STEP 1).
The Attorney General, Governor, or Secretary of State may request other documents to be submitted. (IC 4-22-2-31, IC 4-22-2-33, IC 4-22-2-35)
- STEP 10: Upon the Attorney General's approval, all material must be submitted to the Governor for approval. If after forty-five (45) days the Attorney General has not approved or disapproved the rule, the rule is deemed to be approved and may be submitted to the Governor for approval. (IC 4-22-2-31, IC 4-22-2-32)
(See IC 4-22-2-40 or IC 4-22-2-41 for special circumstances to recall or withdraw a rule.)
- STEP 11: Upon the Governor's approval or disapproval, retrieve all material. If the Governor approves the rule, immediately submit to the Secretary of State. If after fifteen (15) days the Governor has not approved or disapproved the rule, the Governor may request an additional fifteen (15) days to approve or disapprove the rule. If the Governor neither approves nor disapproves the rule, the rule is deemed approved and may be submitted to the Secretary of State. (IC 4-22-2-33, IC 4-22-2-34)
- STEP 12: Upon acceptance for filing by the Secretary of State, the rule will be signed and dated. Retain one (1) complete signed and dated copy and leave remainder of signed documents for the Secretary of State to distribute. (IC 4-22-2-35, IC 4-22-2-39, IC 4-22-7-5)

Indiana Register Publishing Assistance:
Legislative Services Agency
Indiana Government Center-South
Room E011
(317) 232-9564 or 232-9557

Legal and Drafting Assistance:
Agency Services - Departments
Office of the Attorney General
Indiana Government Center-South, Fifth Floor
402 West Washington Street
(317) 232-6240

Revised June 1995.

INDEX

Abbreviations	34	Use of numerals	9
Acronyms	34	Citations Affected	23
Adding language	10	Citations affected line	23
New text	10	Multiple citations	23
Noncode	10	Closing	13, 15
Administrative Code	6	Publishing date	15
Administrative Code and Register Division	6, 13	Colons	37
Address	50	Commanding, Authorizing, Forbidding, and Negating	37
Administrative Code and Register reserved numbers	9	Commas	37
Assignment of document number	20	Consistency	38
Closing	15	Corrections	14
Corrections	14	Agency correction	14, 55
Electronic copy	18	Agency correction; errata	24
Emergency rules	16	Cross References	26
Final rules	14, 19	Cross reference to other rules	69
History lines	23	Cross referencing	26
Notice of intent to adopt rule	13, 19	Reference lines	10
Policy statements	17	Dates	29
Proposed rules	13	Definitions	32
Recall of rule	15	Adding definitions to existing articles and rules	33
Title assignment	7	Definitions in a new article	33
Withdrawal of rule	15	Definitions in a new rule	33
Alteration and Interlineation	19	Definitions in general	32
Amending Language	10, 11, 61	Digest	18, 20
Amendment technique	47	Citations	20
And; Or; And/Or	34	Digest components	64
Apostrophes	34	Narrative paragraph	20
Applicability	32	Document number	20
Artwork	13, 19, 62	Documents	17, 20
Amendment	13	Agency name	20
Artwork included in text	19, 62	Digest	20
Authority lines	23	Heading	19
Multiple citations	23	LSA document form	50
Brevity	35	LSA document number	20
Capitalization	13, 35	Organization and order	32
Checklist		Title number	20
Checklist for Adoption of Administrative Rules	72	Drafting Manual	6, 7
Citations	23	Form and Style Manual for Legislative Measures	7
Authority line	23	Effective Dates	12, 22
Citation scheme	7	Digest effective date	22
Citations in the Indiana Register	25	Effective date provision	67
Citations to noncode Indiana rules	25	Effective date SECTION	22
Citations; Indiana Code	24	Other effective dates	26
Citations; noncode Indiana statutes	25	Electronic Copy	18
Citations; pre-IAC rule	25	Emergency Rulemaking	16
Code of Federal Regulations	27	Reference lines	10
Cross references	26	Emergency rule	58
Decimal numbers	10	Emergency rules	11
Federal citations	27, 70	Errata	24
Multiple citations	23	Corrections	24
Reserved numbers	9	Publisher's correction	24
United States Code	27	Expiration Dates	12
		Final Rules	14
		Agency correction	14

Multiple final rules	63	Public Hearing	14
Publish	15	Multiple public hearings	53
Font (Typeface)	18	Publication of Other Documents	
Fractions	28	Information bulletins, revenue rulings, and other guidelines	17
Gender	38	Publisher	
Heading	19	Legislative Council	6
History Lines	23	Legislative Services Agency	6
History line components	68	Publisher's Correction	24
Hyphens	38	Publishing Schedule	15
Incorporation by Reference	13, 33, 72	Punctuation	13
Indentation	13	Quotation Marks	40
Inserts	19	Recall of Rule	15
Joint rules	15	Recall of rule	56
Lead-In Lines	21	Reference Books	7
Lead-in line for addition or amendment	65	Reference Lines	22
Legislative Council	6	Repeal	11, 12
Legislative Services Agency		Multiple Repeal	48
Delayed printing	15	Repeal of noncode SECTION	49
Document form	17	Specific repeal	48
Limitations, Exceptions, and Conditions	38	Rules of English Composition	6
LSA Document Form	17, 50	Sections	8
LSA Document Number	20, 63	Consecutive sections	26
Money	29	Organization into SECTIONS	22
Mood	39	Redesignation within a section	47
Noncode Rules	11	Reference lines	66
Nonrule Documents	17	SECTION numbering	23
Policy statements	17	SECTION order	22
Publish	17	Semicolons	40
Nonseverability	34	Sentences	
Notice of Intent to Adopt a Rule	13	Sentence structure	40
Notice	71	Subject of sentence	40
Notice of Public Hearing	14, 52, 53	Singular/Plural	39
Change of public hearing	14, 54	Spacing	18
Numbers	28	Spelling	42
Exceptions	38	Preferred usage and spelling	42
Expressed in words	28	Such; Said	40
Fractions	28	Tabulation	8
Money	29	Tabulation; designated blocks of text	30, 31
Ordinals	29	Tabulation; sentence style	31
Percentages	29	Temperature	30
Temperature	30	Time	29
Time	29	Title Number and Agency Name	20
Use of "one"	30	Voice	39
Office of Code Revision	6	Which; That	41
Ordinals	29	Withdrawal of Rule	15
Organization of the Code		Withdrawal of rule	57
Codification system	8		
Pages	18		
Pagination	18		
Parentheses	40		
Percentages	29		
Percentages, Dollars, Integers, and Fractions	27		
Plural/Singular	39		
Policy Statements	17		
Printing Delay	15		
Proposed Rules	13		